

THE CLERGY REVIEW

JULY, 1951

ARTICLES

	PAGE
(1) "Negotiatio Clericis Prohibita" By the Rev. Lawrence L. McReavy	1
(2) The Priest and Child Welfare By the Rev. Denis G. Murphy	13
(3) Triduum Sacrum By the Rev. F. J. Shutt	20
(4) 1300 Years after St Aidan By the Rev. Charles A. Bolton	27
(5) Mass at Sea By the Rev. R. More O'Ferrall	33

QUESTIONS AND ANSWERS

(1) Memoriale Rituum; Paschal Vigil	37
(2) Form of Altar Crucifix	38
(3) Ordinary's Permission for Civil Divorce	39
(4) Restitution for Grave Damage	41
(5) St Cecilia—Musician	43
(6) Jubilee Prayers	44
(7) Calendar for Mass at Sea	45
(8) Index of Missal and Breviary By Canon E. J. Mahoney	46

ROMAN DOCUMENTS

The Teaching of Holy Scripture	47
Canonical Institution	52
The Hierarchy in South Africa	53
Native Clergy on Foreign Missions	55

BOOK REVIEWS

CHURCH AND STATE ABROAD

Why Mgr Wyszynski Went to Rome	v
--------------------------------	---

BURNS OATES & WASHBOURNE LTD.

PUBLISHERS TO THE HOLY SEE

28 ASHLEY PLACE, LONDON, S.W.1

Price Three Shillings Nett

For over a century
BURNS OATES

Founded



1847

the
leading Catholic publishers

have been the means by which some of
the greatest

Catholic Writers

have given their thought to the world.

Today

our book shops provide an unrivalled
book service, personal or by mail.

LONDON

129, Victoria Street, London, S.W.1
(Tel. : VIC 2426)

BIRMINGHAM

1, Edmund Street, Birmingham, 1
(Tel. : MIDland 0226)

MANCHESTER

71-73, Deansgate, Manchester, 3
(Tel. : Blackfriars 9696)

LIVERPOOL

30-32, Manchester Street, Liverpool, 1
(Tel. : Central 1011)

GLASGOW

248, Buchanan Street, Glasgow
(Tel. : Douglas 1574)

DUBLIN

21-22, D'Olier Street, Dublin, C.3
(Tel. : 73115)



The CLERGY REVIEW

NEW SERIES

VOL. XXXVI No. 1

JULY 1951

"NEGOTIATIO CLERICIS PROHIBITA"

THE NEW PENAL LAW

THE Clergy will by now be aware that the law of canon 142 of the Code of Canon Law, which forbids them to engage in commerce or other lucrative business, has been strengthened by an automatic sanction of considerable severity, nothing less indeed than a reserved censure of excommunication *latae sententiae*.¹ An event of this kind is clearly one which calls for comment; for the Church would never have taken so forceful a step, did she not attach unusual importance to the strict observance of the law concerned.

I. THE PURPOSE OF THE NEW PENALTY

The prohibition of canon 142 is almost as old as the Church. Like St Paul, the clergy have always been allowed to provide for their material support by their own activity; but the Church, acting on the same Apostle's own principle, that "no man being a soldier to God, entangleth himself with secular business",² has constantly sought, by laws and penalties, to deter her ministers from the pursuit of base lucre and from all other worldly entanglements that might impede the due performance of their sacred duties.³ Hitherto, however, with a single temporary and territorially limited exception, the penalties prescribed for infringement of the law have never been more than *ferendae sententiae*.⁴ Such penalties can, of course, be as severe as any

¹ S.C.C. decr. 22 March, 1950; THE CLERGY REVIEW, 1950, XXXIV, p. 55.

² II Tim., ii, 4.

³ Cf. the lengthy list of decrees quoted in annotated editions of the Code, under canon 142.

⁴ Urban VIII, const. *Ex Debito*, 22 February, 1633, ordered missionary religious in the Far East to observe the law under pain of excommunication *latae sententiae*. This penalty was confirmed and extended to the Americas by Clement IX, const. *Sollicitudo pastoralis*, 17 June, 1669, and by a decree of the Holy Office, 4 December, 1872, but was not reproduced in the Code, which limited itself, in canon 2380, to penalties *ferendae sententiae*.

others to those who incur them, but since they are not incurred until a condemnatory judicial sentence has been passed on the individual delinquent, their value as a deterrent has depended largely on the vigilance and judicial activity of local superiors; and since superiors are normally loth to take criminal proceedings against clerical delinquents, only the more flagrant and persistent offenders have, in practice, had reason to fear punishment.

It may be that this circumstance has led to abuses. One has heard stories, for example, of clerics doing a brisk trade in currencies, cigarettes, etc., in the liberated countries after the recent War, and it may be that the appetite whetted in those abnormal days has persisted in its effects. But whether or not there has been any grave or widespread neglect of the law, it is, we are expressly told in the decree, "in order to establish a firmer and more uniform ecclesiastical discipline in this matter, and to guard against abuses", that the new law, which came into force on 1 August, 1950, has substituted for the existing penalties of canon 2380, which are *ferendae sententiae*, an automatic penalty, *latae sententiae*, which needs neither trial nor sentence to make it operative. It is a measure well calculated to make us re-examine the content of the law, if only to make sure that we are on safe ground.

II. THE NATURE OF THE CRIME

The only notable change effected by the decree lies in the penal sanction. The crime which incurs it, is expressly said to be violation of the existing prohibition contained in canon 142, which reads: "Prohibentur clerici per se vel per alios negotiationem aut mercaturam exercere sive in propriam sive in aliorum utilitatem." Since this canon is itself a mere repetition of a centuries-old law, it is sufficient for us to expound it according to the traditional interpretation. It is true that the decree adds the words "cuiusvis generis" after the "negotiationem aut mercaturam" of the canon, but, on general principles, we are justified in taking them to mean: "any kind which is contrary to canon 142, as traditionally understood".

"Negotiationem aut Mercaturam"

The canonical sense of the term *mercatura* needs no commentary. It means ordinary commercial trading, buying things with the intention of selling or bartering them unchanged and making a profit on the deal; the sort of activity in which brokers, and wholesale and retail dealers are engaged.

It is by no means so easy, on the other hand, to determine the precise connotation of *negotatio*. It is a generic term for which our nearest English equivalent is *business*, and which includes *mercatura* as a species. But one thing is certain: as used in the canon, it does not include every activity which the man-in-the-street might classify as a business deal.

In particular, it does not include what canonists describe as *negotatio oeconomica*, namely, the sort of business done by a person who buys things, either with his own money, or with money entrusted to his care, primarily in order to serve the need or utility of himself, or of his dependents, or of the property which he administers. Moreover, provided that this be his primary intention, the deal can fairly be said to be economic rather than lucrative, even though he should later sell a purchased object at a profit, and have intended all along to do so, if it should prove to be superfluous, or if an unusually attractive offer should be made for it. Economic transactions are not forbidden to clerics by canon 142, because they do not constitute lucrative trading in the normal sense of the word, and because they are intrinsic to good administration of personal or entrusted property. Even if the motive or element of profit should occasionally intervene, it is secondary and accidental, and does not change the intrinsic nature of the act. Its intervention may, of course, make an individual transaction difficult to classify, because it raises a possible doubt as to the buyer's primary and genuine intention; but, as a general rule, provided that a cleric refrains from habitual bargain-hunting with an eye to profitable re-sale, his ordinary purchases can normally be classed as economic, and his occasional sales as administrative.

Nor is it clear that the law directly envisages the kind of trading in which our present government engages, and which

canonists call *negotiatio politica*, whereby an authorized person purchases in bulk certain commodities required by a community, and sells them retail to the members, possibly at a profit sufficient to cover administrative costs, but primarily for the benefit or convenience of the community. Authors differ as to whether this kind of trading falls, properly speaking, under the ban of canon 142; but they agree in their practical conclusion, namely, that the Ordinary can permit a cleric to undertake a function of this kind in exceptional circumstances. So, for example, he could permit the pastor of an isolated parish, in time of war or famine, to engage in bulk-buying for the benefit of his parishioners, provided he did not turn it into a means of self-enrichment.

On the other hand, the law certainly puts a ban on *negotiatio cambiaria seu argentaria*, under which is included any form of lucrative financial business, such as is transacted by bankers, exchange dealers, currency brokers, and the like. One of the source documents of the present law expressly declared: "*Cambium activum, natura sua, esse actum verae et propriae negotiationis*;"¹ and the recent decree amplifies the prohibited "*negotiationem cuiusvis generis*" with the words "*etiam argentariam*". Hence, although clerics are allowed, for the reason given above, to transact such financial deals as may be involved in the good administration of personal or entrusted funds and resources, they are certainly forbidden to engage in financial transactions which are motivated primarily by the profit to be made by shrewd buying and selling on the money market.

Furthermore, they are certainly forbidden to engage in *negotiatio industrialis*, which is the kind of business done by industrial manufacturers who employ hired labour to transform bought materials, and sell the product at a profit. It is important, however, to note the precise elements required to constitute this particular form of business, in the limited sense in which it is forbidden to clerics. In the first place, the material used must be bought with a view to making a profit by selling it in an industrially transformed condition; for if it is the cleric's own material, or part of the property entrusted to his administration, or was bought by him for use and then found to be superfluous,

¹ Clement XIII, enc. *Cum primum*, 17 September, 1759; *Fontes*, n.452, §9.

good management requires or entitles him to exploit its fruitful potentialities, either by selling it unchanged, or by first having it transformed into a saleable product; in other words, it is *negotiatio oeconomica*, not *industrialis*.¹ Secondly, the transformation must be effected by hired labour; for if the art, craft, or industry be the cleric's own, he is merely exploiting a valuable asset in the manner of a good administrator; he is not doing business in the manner of an industrialist.² Thirdly, the product of the hired labour must be sold at a profit; for if the price charged be merely enough to cover the expenses incurred, there is no occasion for that preoccupation with gain which it is the object of the law to prevent.

One can sum up, therefore, by saying that if either the material or the labour is the cleric's own, or the profit motive is excluded, there will not be *negotiatio industrialis* in the sense of the law. The activity may be unlawful or inadvisable on other grounds, as, for example, when it is unseemly or prejudicial to the proper performance of priestly duties, but it will not be directly forbidden by canon 142.

Hence, as far as the law of canon 142 is concerned, a cleric is not forbidden to exploit the fruitful possibilities of his own or the church's land, by his own or hired labour, in any of the ways intrinsic to good management and development of property; for example, by raising crops, fattening livestock (even purchased livestock, and probably even with purchased fodder), keeping hens, growing tomatoes, etc., and selling the produce at normal market prices, even though they more than compensate his expenses and labour.³ Similarly, according to a widely held

¹ If the material is ecclesiastical property, attention must be paid to the law concerning alienation, in canons 1530 ff.

² Some authors, e.g. Vermeersch, *Theologia Moralis*, III, n.21, and Abellan, *Periodica*, 1950, p. 240, exclude from the category of hired labour pupils in training schools conducted by clerics or religious, even though they happen to receive a certain payment for the work they do, while learning a trade or craft. According to this reasonable view, it is not unlawful to sell the product of such labour for a profit to be devoted to the benefit of the institution.

³ For the same reason, namely, that the product is derived from his own property, older authors regarded it as lawful for a cleric to extract minerals from his land, by the aid of hired labour, and sell them at a profit, and even to buy land with this object in view. Recent authors are inclined to question this opinion, because nowadays the extraction of minerals is a large-scale operation which, in common estimation, is scarcely distinguishable from *negotiatio industrialis*. Cf. Génicot, *Theologia Moralis*, II, n.39.

view, a cleric may even buy immovable property with the sole intention of making a profit by renting it out, because a transaction of this kind is commonly regarded as an investment rather than as a form of business, except perhaps when it is done on a large scale. And though there is rather more dispute about the practice of buying a movable object, say a car, with the intention of hiring it out, it is more probably lawful, as long as it does not develop into a regular business.¹ Finally, it is certain that a cleric may profit by his own art or industry, even though he has to buy his materials. Thus, like St Paul who made tents for a living, he may weave rugs with bought wool, paint pictures on bought canvas, carve statues from bought stone, etc., with a view to selling the product for gain, provided always, of course, that he does not neglect the primary duties of his state.

In addition to these activities which fall outside the scope of the law, there are others which, even if they can be said to fall within it, are nevertheless excused by custom or tradition. Thus it is generally held to be lawful for clerics and religious to sell devotional objects at the entrance to churches, provided they seek primarily to meet the needs of the faithful, avoid anything that smacks of commercialism or sharp practice, and limit their profit, more or less, to the margin required to cover their trouble, loss of interest on money invested in the stock, and risk of having unsaleable articles left on their hands.² Similarly, in ecclesiastical colleges and seminaries, it is considered lawful for clerics to run shops or agencies for the *internal* sale of books, stationery, and other commodities in regular demand. One might indeed describe this form of trade as *negotiatio politica*, for even though a profit may be made, it is normally returned to the community directly or indirectly, and, in any case, the primary object is not to make a profit, but to serve the needs of the community. So too, church bazaars and sales of work are commonly excused on the ground that they are not commerce in the ordinary sense of the word, inasmuch as the articles exposed for

¹ *Per se*, it would be unlawful for a cleric to rent land with a view to exploiting it profitably by hired labour, because neither the material nor the labour would be the cleric's own. It could only be justifiable *per accidens*, e.g. if the renting of an adjoining property were necessary or useful to the effective administration of his own property.

² Cf. Vermeersch, *Theologia Moralis*, III, n. 21, 4.

sale are not normally bought for that purpose, but presented by benefactors, or else are made up from bought materials by voluntary helpers. Indeed, even the customers can be regarded as benefactors rather than as buyers, since they seldom expect and do not normally receive the real purchase value of their money, so that the articles "bought" are more in the nature of token acknowledgements of their generosity. That, at any rate, is the theory, and it is not for us to question it.

Parochial savings' banks are something of a borderline case. If a priest runs such a bank, personally or through a lay committee, primarily in order to make a profit, then, even though the profit goes entirely to a good cause, he must be said to be engaging in that *negotiatio argentaria* which is explicitly forbidden under penalty by the decree. On the other hand, if the bank is run by a lay committee, and its primary purpose is to encourage and facilitate thrift among the parishioners, then, even though the depositors require no interest on their deposits, so that, in effect, the parish enjoys the benefit of interest-free loans, the venture is not only lawful, but commended by the Church, provided that none of the administrative responsibilities, obligations, or risks, are borne by clerics.¹

"Per se vel per alios"

If a particular activity is certainly a forbidden form of commerce or business, it makes no difference whether a cleric engages in it personally or through an agent who acts for him. The prohibition and the penalty are expressly said to apply in either case. Hence, it has always been certain that a cleric may not become or remain a partner, even a sleeping partner, in a business which does what he himself is forbidden to do. When, therefore, with the Industrial Revolution of the early nineteenth century, the old family-owned businesses and small partnerships gave place to giant corporations working on capital contributed

¹ A decree of the Sacred Congregation of the Consistory, 18 November, 1910, while exhorting the clergy to promote savings' banks, expressly forbade clerics in sacred orders, whether secular or regular, "to undertake or retain functions which involve administrative cares, obligations, or personal risks, such as the offices of chairman, director, secretary, treasurer, and the like". (*A.A.S.*, II, 1910, p. 910.) Cf. canon 139, §3.

by bondholders and shareholders, the question was naturally asked, whether and to what extent clerics could hold such investments.

It was soon conceded that there was nothing in the law to prevent clerics from taking up bonds or debentures issued by companies (though some required that they be established companies) whose object was honest and in whose administration they had no part, because a bondholder is neither an active nor a sleeping partner, in relation to the firm concerned: he is a mere creditor drawing a fixed rate of interest on a loan advanced by himself, or by the original holder of the bond. It is different, however, with a shareholder. As the name indicates, he is part-owner of the capital assets of the company, shares proportionately in its profits, and may, in some degree, share in its liabilities; moreover, he has a say in its general policy. At first glance, at any rate, he appears to do business *per alios*; so it is not surprising that a considerable dispute arose as to the lawfulness of shareholding by clerics.

It was generally admitted to be lawful for a cleric to buy shares in an already established industrial concern which was merely exploiting its own property, for example, extracting minerals from its own land, because, in that case, the cleric would merely be doing, in company with the other shareholders, what he would have been allowed to do had he been sole owner of the property. But there were many (and appear still to be some) who doubted whether he could hold shares in companies which were engaged in commerce, or in a form of business which he would not be allowed to do himself. They argued that even though he avoided taking any part in the administration, nevertheless, as a part-owner, he would be doing *per alios* what he is forbidden to do in any way.¹

At first sight, there might seem to be considerable force in that argument, and for a while, even the Roman Congregations were apparently impressed by it.² But the parity which it assumes to exist between the position of a modern shareholder and

¹ Cf. Wernz-Vidal, *Ius Canonicum*, II, n. 128, scholion.

² A decree of the Sacred Congregation of the Council, 30 January, 1846, quoted by Lehmkühl, *Theologia Moralis*, II, n. 612, but not reproduced in Gasparri's *Fontes*, declared it unlawful for clerics to buy shares in a certain banking company.

that of a sleeping partner in a business, is apparent rather than real. A partner is individually responsible for all the debts of the partnership, and even if he leaves the actual running of the business to another, he has to intervene at least to the extent of approving his actions by formal mandate. By contrast, the risk run by a shareholder, in the normal modern type of limited liability company, is restricted to the amount which he has undertaken to pay for his shares; moreover, his holding may be a mere fraction of the total capital subscribed, and he is under no obligation either to attend the general company meetings, or to play any part in choosing the directors who run the business, or in determining the policy which they are to follow. They need no mandate from him, and can, if he so chooses, treat him simply as a creditor with a right to a differential rate of interest. Indeed it has been said that the modern joint-stock company is conceived as a grouping of capitals, rather than as a partnership of persons.

It has therefore come to be generally accepted nowadays that mere shareholding does not, of itself, involve doing business *per alios*, and that a cleric can invest his money, and that entrusted to him, in the debentures and shares of any honest commercial or industrial company, without violating canon 142. The fact that, during the period of dispute, the Holy See occasionally gave formal leave to clerics who applied for permission to take up shares in certain companies,¹ is not now regarded as proof that such leave is actually required. On the other hand, there are certain definite conditions which are presupposed and which must be duly observed by a clerical shareholder. All authors agree that he must first satisfy himself that the purpose and operation of the company are morally honest, that his liability must be limited to the full agreed cost of his holding, and that he must not be a director, or take any active part in the running of the business. Some draw the conclusion that he must not hold a majority of the shares, because a majority shareholder can scarcely avoid exercising some degree of direct control of the business. Many stipulate or imply that he

¹ Cf. decrees of the Holy Office, 17 November, 1875, and 15 April, 1885, quoted respectively in Naz, *Traité de droit canonique*, I, p. 313, and Wernz-Vidal, *Ius Canonicum*, II, n. 128, footnote 42.

must not take part in the voting, personally or by proxy, at the general shareholders' meeting; though, on the other hand, there are some who would allow him to do so in the measure necessary to ensure that good men are appointed to the board of directors, and that an honest policy is followed.¹

It is, of course, evident from the very nature of the case that no cleric may lawfully deal in shares like a stockbroker, or play the market like a speculator, for such activities are patently commercial and are inspired by the primary motive of gain. It is equally certain that, as far as canon 142 is concerned, a clerical shareholder may sell his shares at a profit and acquire others with the proceeds, not merely once or twice, but as often as the good administration of invested funds may require. The difficulty lies in drawing the line between mere speculation and good husbandry of one's resources. It is fundamentally a question of common estimation. In practice, the criterion of distinction will normally be the motive which inspires the transactions; for if they are primarily designed to conserve and improve the fruitfulness of invested capital, they can fairly be described as *negotatio oeconomica* which is lawful to clerics; whereas if, on the contrary, they are undertaken primarily with a view to the profit obtainable by the process of buying cheap and selling dear, they become *negotatio argentaria* of the type forbidden to clerics under censure.

"Sive in propriam sive in aliorum utilitatem"

The prohibition of lucrative commerce and business continues to apply, as both the canon and the decree expressly state, even when the sole object of the transaction is to benefit others, or to raise money for a pious cause; for the entanglement with "secular business", which it is the object of the law to prevent, is not appreciably lessened by the fact that the desire for gain is altruistic. Nor is it relevant to argue that, if it be lawful for a harassed parish priest to raise necessary funds by raffles, pools, and other such profitable ventures, which may

¹ Many older authors required that the company should have already been established and the capital subscribed; but it is commonly admitted nowadays that there is no logical foundation for this distinction.

likewise involve no little temporal pre-occupation and an avid desire for gain, it cannot be a grave crime to raise money for a good cause by honest trading. We are dealing with a question, not of the natural moral law, but of ecclesiastical positive law. The Church has seen fit to forbid clerics, under penalty of grave sin and censure, to engage even in honest trading; and though she may eventually decide to restrict or prohibit other money-making schemes which seem equally to offend against the Pauline principle of avoiding entanglement in secular business, she has not explicitly done so as yet.

On the other hand, the prohibition, being positive law, admits the excuse of necessity. Of this there are two generally admitted examples. The first is that of a cleric who cannot otherwise provide for his honest maintenance, or that of others who are legitimately dependent on him. According to the traditional pre-Code interpretation of the law, which is still valid, such a cleric may engage in commerce or business to the extent necessary to relieve his need, provided he refers his case to the Ordinary and seeks approval. The second case is that of a cleric who has inherited a commercial or industrial business in whole or part, and cannot forthwith dispose of it without grave loss. Benedict XIV ruled that he might retain his interest temporarily, provided that he at once committed the effective direction of the business to a layman, applied to the local Ordinary for permission to delay transference of ownership, and was by him assigned a fixed term during which the transference was to be effected.¹ This ruling still holds good.

III. THE PENALTIES AND THOSE WHO INCUR THEM

The new penal law applies to all clerics of the Latin Rite, and likewise to all persons of the same Rite who have taken religious vows, or are members of a Society of Common Life without vows, or of one of the recently established Secular Institutes.²

¹ Const. *Apostolicae servitutis*, 25 February, 1741; *Fontes*, n. 306.

² It is reasonable to presume that, in the case of Secular Institutes, only those associates are envisaged who make full profession of the state of perfection, and are defined, in *Provida mater*, art. III, §2, as "membra strictiore sensu sumpta".

The principal penalty, excommunication *latae sententiae*, reserved *speciali modo* to the Holy See, is incurred not only by the delinquent, but also by the superior (if any) under whose orders he shall have acted, and by every necessary co-operator, physical or moral, provided that he be a cleric, or a religious in the wide sense, as defined above.¹

If this automatic penalty should prove insufficient to deter the delinquent, or to remove the public scandal he may be causing, the competent superior is to take criminal proceedings against him and inflict the further penalty of degradation, with the consequences detailed in canon 2305. Superiors who fail to suppress the said crimes in the measure demanded by their office and ability, are to be deprived of their office and declared incapable of any further function of government or administration.

Finally, all those to whose guile or guilt the said crimes are attributable, remain bound to repair any loss or damage caused thereby.²

The conditions required for the incurring of the penalty of excommunication are the same as for any [similar] censure. Hence, the crime must be "complete in its kind according to the proper meaning of the words of the law",³ and also "external, grave, consummated and contumacious".⁴ From the point of view of the *forum internum*, it must be grave subjectively as well as objectively; but in the *forum externum*, if objective gravity be established, subjectively grave guilt will be assumed, unless and until the contrary is proved.⁵

For an objectively grave crime, there must be a substantial infringement of the law, because, although canon 142 binds, of itself, under grave sin, the prohibition admits the exception of smallness of matter. Moreover, according to a common and certainly probable opinion, based on the use of the word "exercere" in the canon, more than one act is normally required; for the canon does not say that clerics are forbidden "negotari", but "negotiationem exercere", which would seem to require "a

¹ Cf. canons 2209, §§1-3, and 2231.

² Since the decree involves a substantial alteration of the penal law of canon 2380, it must be presumed to supplant it; cf. canon 22.

³ Canon 2228.

⁴ Canon 2242, §1.

⁵ Cf. canons 2218, §2, and 2200, §2.

plurality of acts, morally united by the intention of continuing them".¹

Hence, according to St Alphonsus and others,² a cleric does not sin gravely, if he does two or three small and private deals with a view to gain, and probably not even if he does a big deal but on an isolated occasion. The decree cannot be said to contradict this interpretation, for if it had wanted to suppress so widely held an opinion, it would presumably have added the words "etiam semel", as did Clement IX, in the special prohibition which he directed to missionaries in the Far East and the Americas;³ whereas, on the contrary, it refers simply to clerics and religious "negotiationem exercentes". If, therefore, a cleric picks up a few small bargains in a sale-room with an eye to making a modest profit by selling them, or if, on an odd occasion, he seizes the chance of buying a new car, not because he wants it for his own use, but because he can sell it for considerably more than he has to pay, he may sin venially against the law, but he will not incur the excommunication. On the other hand, once he begins to "do business" in the ordinary sense of the words, the penal law strikes automatically. For clerics and religious generally, profit-seeking has become dangerous ground.

LAWRENCE L. McREAVY

THE PRIEST AND CHILD WELFARE

DURING the last few years there has been considerable talk of "the child deprived of normal home life". The pamphlet entitled "Whose Children?" by Lady Allen of Hurtwood stirred up interest, feeling and a sense of obligation towards the many children in this country who are being brought up outside their own family circle. It was not long after this that the Care of Children Committee was set up under the Chairmanship of Miss Myra Curtis, C.B.E., and their Report was the

¹ Génicot, *Theologia Moralis*, II, n. 38.

² St. Alphonsus, *Theologia Moralis*, III, n. 831.

³ Const. *Sollicitudo pastoralis*, 17 June, 1669; Fontes, n. 243.

direct cause of the Children Act, 1948, providing for a Children's Committee and a Children's Officer to be set up by every local authority. It was unfortunate for voluntary societies that the passing of this Act should have followed so closely on the National Health Service and National Insurance Acts of 1946, with the subsequent increase and expansion of compulsory weekly contributions. Many people got the wrong impression that child welfare work, like so many other things, had become nationalized, and was being financed by the Treasury from these contributions. There are still today many who think this to be the case or believe at least that the voluntary societies are receiving grants from the Government.

Thus in yet another field of welfare work pioneered by voluntary effort the State has stepped in when the service had already become well established. In fact we now have a "dual system" in child welfare work with the local authority Homes on the one hand and the voluntary Homes on the other. Catholic rescue societies will always be necessary, for there are many children in need of assistance who do not come within the scope of the local authority. At the same time, if we see that the safeguards of the law are observed and if we co-operate with the authority in finding good Catholic foster homes and reserving places in our institutions for local authority Catholic cases, we shall be able to let the authority take over financial responsibility for more of our children. It is in this way that these two bodies should work together.

It is only natural that the Children's Committee and the Catholic rescue society should regard a child from a different point of view. The former is limited by its terms of reference in Section I of the Children Act. The latter has laid down its own policy and principles. In the main the Catholic rescue society sets out to rescue children who through their circumstances are in danger of losing their Catholic faith. Nevertheless the society has always firmly maintained that a child should not be placed on its funds when its maintenance should be chargeable to the State. Again, the society was not founded to relieve parents of their parental responsibilities. This is a sound Catholic principle. We insist on the right of the parent to educate his child in his own religion, and we must therefore insist also on his

responsibility and not relieve him of it without grave cause. Obviously the only thing to do with a child in a non-Catholic Home is to get it into a Catholic one. It sometimes happens that children of Catholic parents are left in the care of non-Catholic relatives, and the same may happen in the case of a mixed marriage through the death of the Catholic parent or for some other cause. Even then it is not necessarily a rescue case unless the relatives refuse to bring the children up as Catholics. A real difficulty arises when an application is made on the ground that the parents are bad Catholics. A Catholic rescue society does not consider children necessarily to be in danger of losing their faith when the only cause assigned is the carelessness or indifference of the parents. This is another way of saying that the duty of bringing the children up Catholics rests with the parents and they should not be relieved of this responsibility without a grave reason such as gross and public immorality. The Catholic rescue society has always regarded the local authority as responsible for the child of destitute Catholic parents, because destitution of itself does not mean loss of faith. The need of help is evident, but it is not evident that this help should be given by the Catholic rescue society, which exists only to save the faith of the child. If the conditions induce danger to faith then the case may become one for the society. The position is similar when parents are prosecuted for cruelty or neglect and the custody of the children is taken from them by the Court. Responsibility for an abandoned child raises an interesting controversy which will be considered later.

So much for the Catholic rescue society. The duties of the local authority are clearly set forth in Section I of the Children Act, 1948—"An Act to make further provision for the care or welfare, up to the age of eighteen and, in certain cases, for further periods, of boys and girls when they are without parents or have been lost or abandoned by, or are living away from, their parents, or when their parents are unfit or unable to take care of them."¹ More precisely Section I reads:

(1) Where it appears to a local authority with respect to a child in their area appearing to them to be under the age of seventeen:

¹ Foreword to the Act.

(a) that he has neither parent nor guardian or has been and remains abandoned by his parents or guardian or is lost; or

(b) that his parents or guardian are, for the time being or permanently, prevented by reason of mental or bodily disease or infirmity or other incapacity or any other circumstances from providing for his proper accommodation, maintenance and upbringing; and

(c) in either case, that the intervention of the local authority . . . is necessary in the interests of the welfare of the child,

it shall be the duty of the local authority to receive the child into their care.

(2) Where a local authority has received a child into their care . . . it shall . . . be their duty to keep the child in their care so long as the welfare of the child appears to them to require it and the child has not attained the age of eighteen.

(3) Nothing in this section shall authorize a local authority to keep a child in their care under this section if any parent or guardian desires to take over the care of the child, and the local authority shall, in all cases where it appears to them consistent with the welfare of the child so to do, endeavour to secure that the care of the child is taken over either—

(a) by a parent or guardian of his, or

(b) by a relative or friend of his, *being, where possible, a person of the same religious persuasion as the child or who gives an undertaking that the child will be brought up in that religious persuasion.*

A comparison between the two spheres of activity will soon show that several anomalies arise and that some rescue societies still continue to accept full responsibility for children who could well be left to the care of the Children's Committees, provided these latter have shown themselves appreciative of the spirit and not merely of the letter of the religious clauses in the Act. There are still officers who direct applicants to the voluntary society when a child is a clear case for their own Committees and, in fact, often these applications on being rejected by the society are at once accepted by the officers. Applicants are sometimes

told that there are no vacancies in local authority Homes, or, if they are Catholics, that they should apply to their Catholic society, or, simply, that nothing can be done for them whereas, in fact, if the rescue society did not exist many such cases would be accepted immediately by the authority. There are, of course, many borderline cases in which time, co-operation and negotiation alone will clarify the position. The short-term case is a particularly difficult one, especially when the mother of a large family has to enter hospital for an operation. Some rescue societies will regard this as merely an accommodation case where there may be no danger to the children's faith, especially if the father is a good Catholic. Some Children's officers interpret "parents" of subsection (1) (b) strictly and say that while the father retains his health the case does not come within the terms of the Act.

Perhaps the most interesting disputed case is the fairly common one of a Catholic child abandoned by its parents on the very doorstep of a Catholic Home. A society may quite rightly regard this child as "abandoned by his parents or guardian" or as "lost" and therefore subject to the Children's Committee. On the other hand some officers argue that such a child is in the care of a voluntary society and therefore not deserted, abandoned or lost. The child, of course, is not strictly in the care of the society, not having been accepted by the rescue Committee; in any case Section I speaks only of children in the care of "parents or guardian", and the finder of an abandoned or lost child is surely not a "guardian" in any but a loose sense of the word.¹ If the abandoned child were a non-Catholic or if the child were left on the doorstep of a private residence the Children's officer would remove it, and it is difficult to see what difference the coincidence of religion makes. The extension of this case is perhaps even more interesting. A child is placed in a voluntary Home by its parents who maintain financial responsibility and interest in the child for a time but eventually desert it altogether. Some officers have now accepted such cases as coming within the meaning of the Act whereas others still argue

¹ Section 9, which reads as follows, is not very illuminating on the matter: "Save as expressly provided in section six of this Act, any reference in this Part of this Act to the parents or guardian of a child shall be construed as a reference to all the persons who are parents of the child or who are guardians of the child."

that they cannot be responsible for children in the care of a voluntary society.

In view of the fact that not all Children's Committees fully appreciate the Catholic argument and also because of a very unfortunate loophole in the law, which we alone can block, every priest should understand what is the position of a child in the care of a local authority.

An authority provides accommodation for every child in accordance with section 13 (1) of the Act which reads:

A local authority shall discharge their duty to provide accommodation and maintenance for a child in their care—

(a) by boarding him out . . . or

(b) *where it is not practicable or desirable for the time being to make arrangements for boarding-out*, by maintaining the child in a home provided under this part of this Act,¹ or by placing him in a voluntary home the managers of which are willing to receive him.

The religious safeguards are as follows:

(1) *Boarding-out:*

(Regulations under this section may provide) for securing that *where possible* the person with whom any child is to be boarded out is either of the same religious persuasion as the child or *gives an undertaking that the child will be brought up in that religious persuasion.*²

(2) *In local authority Homes:*

(Regulations under this subsection may in particular) impose requirements as to the facilities which are to be given for the children to receive a religious upbringing appropriate to the persuasion to which they belong.³

(3) *In voluntary Homes:*

No child in the care of a local authority shall be placed in a voluntary home which does not afford facilities for him to receive a religious upbringing appropriate to the persuasion to which he belongs.⁴

¹ I.e. a local authority home.

² Section 15 (4) (b).

³ Section 14 (2) (c).

⁴ Section 16 (2).

From this it will be seen that the faith of children in local authority Homes can be safeguarded. But the whole question of boarding-out is unfortunately far less satisfactory from our point of view and can, in fact, occasion serious leakage from the Church. It constitutes a problem which we must face and tackle at once. All Children's Committees are now in favour of boarding-out children rather than placing them in the institutional type of Home. Nor can we regard this as a mere phase or fashion, because the Act very clearly states that the authority should discharge its duty in this way and only place children in a local authority or voluntary Home when *it is not practicable or desirable for the time being to make arrangements for boarding-out*.

The religious safeguards for the boarded-out child are far less adequate than for the others and, in fact, may be quite ineffective. In this particular matter there is a great difference between the spirit and the letter of the Law. Obviously the mind of the law-maker is that a child should be brought up in its own religion and, as far as possible, by people of the same religion. However the loophole left by section 14 (2) (c) is so wide that an authority which is content merely to observe the letter of the Law is able to place a Catholic child with practically anybody it chooses and certainly with anybody who gives an undertaking that the child will be brought up as a Catholic even if he, or she, has no intention of carrying out that undertaking. Cases of this are, unfortunately, known to us. The subsection in question hardly bears examination. It will be noticed that the authority in selecting a foster-parent has two equal alternatives:

- (a) a person of the same religious persuasion as the child, or
- (b) a person who gives an undertaking that the child will be brought up in that religious persuasion,

and both of these are qualified by the clause "where possible". There is no obligation on the Children's officer to check the Catholicity of a prospective foster-parent with the Catholic authorities nor does there seem to be any obligation to see that the undertaking is carried out. Some may think that this difficulty can be met by offering to accommodate Catholic children

in our own voluntary Homes, but in view of the fact that the Law places the foster-home before the institutional Home¹ an authority may still place a Catholic child with non-Catholics in spite of such an offer.

As long as there are Children's officers content merely to keep within the letter of the Law there is only one solution to this very grave problem. We must find good Catholic foster-parents and homes and put them in touch with their local authorities either directly or, perhaps better, through the secretary of the appropriate diocesan rescue society. The matter is urgent, as children will continue to be lost to us until we have found an adequate number of Catholic foster-parents to look after many of the Catholic children who are now, and will be, in the care of the local authority. Again, until we do this we cannot hope that the local authority, as suggested at the beginning of this article, may take over from us the care of more and more of our deprived children, except, of course, where the authority appreciates our rights and administers the Law according to the mind of the law-maker.

It is to be hoped that every priest who reads this article will in the very near future go through his census book and see if he can find some of his good parishioners who will take their part in this most important work in God's vineyard. Five thousand more foster-parents will not be too many. Their names and addresses should be submitted to the secretary of the diocesan rescue society who will be pleased to make all necessary enquiries and arrangements.

DENIS G. MURPHY

TRIDUUM SACRUM

THE recent permission to defer the service of Holy Saturday until the late evening "to an hour which permits the mass to start about midnight" has aroused considerable interest among Catholics. To judge from the crowds which flock to the

¹ Section 13 (1).

Midnight Mass of Christmas, this change, by which the effectiveness of the symbolic and picturesque rites embodied in this ceremony is so much increased, should prove very popular. The new service is especially welcome to liturgists not merely because it is a return to ancient custom—for the vigil service lasting till dawn was customary until the eleventh century—but because it gives meaning to the references to night, and removes the anomaly of celebrating the Resurrection on the Saturday morning. From early reports it would appear that the faithful have greatly appreciated the change, which had indeed previously had a satisfactory trial in Paris. It is to be hoped that *THE CLERGY REVIEW* will give us a full commentary on the new service and trace perhaps the history behind the new insertions. I must content myself with a few preliminary comments.

Since the reforms of Pius the Fifth, the liturgy has altered little though the breviary was revised by Pius the Tenth. Thus the proposed change is a welcome reminder that our liturgy is a living thing, which can be modified to suit our times, just as in the early centuries it underwent many changes before crystallizing in its present form. From the pastoral point of view the renewal of baptismal vows is a useful addition, for with the present practice of infant baptism, many Catholics may never really advert to the promises which were made in their name by the sponsors. A yearly renewal made in such solemn circumstances should help all to realize their obligations as Christians. The new rite also illustrates the Holy Father's desire that the faithful should play an active part in the liturgy. What is more, since the exhortation and renewal of vows may be performed in the vernacular "wherever the partial use of the vernacular is permitted at baptism" we have a new example of part of a liturgical service being permitted in languages other than Latin. It is not however specified in the rubrics whether this part must be recited also in Latin as must be done at baptism; we must hope that it is not required, for such duplications not only lengthen a service but tend to induce a gabbling of the Latin.

The old lengthy catechumenate with its solemn baptism during the vigil service fell into disuse with the growth of the practice of infant baptism, but it would be most effective if converts were baptized at this time. In France this has already

been done and the newly baptized attended the rest of the ceremony clothed in white robes, with lighted candles. The small piece of cloth often used at baptisms to symbolize this robe shows us to what an extent this ceremony has been curtailed, and makes one feel that a longish plain surplice or alb might be used in the ordinary baptism of adults. Incidentally the new rite directs that the candles of the congregation be lighted after the "Lumen Christi", but no further directions are given as to whether they are to be kept alight throughout the service, or as in the service of Candlemas day, are lit for some parts only of the service. It is interesting to note that we can trace back to perhaps the fifth century a custom of distributing to the faithful at this ceremony a small wax "Agnus Dei" made from the Paschal candle of the previous year.

In early times the ceremony lasted till dawn, and we may well understand this, since a commentary was given on the prophecies, and with baptism and perhaps also an ordination the time would be fully occupied. Indeed the Holy Saturday service is still quite long, for the present writer was ordained subdeacon in St John Lateran's, and remembers that the ceremony lasted from a quarter past six till after one o'clock, the Gloria being sung about eleven. Although services in Rome may sometimes be very long, this is due mainly to the additional ceremonies when a Pope or Cardinal officiates, or because of the numbers to be ordained. But Rome has always tried to restrain the exuberance which crept into other rites, whether in point of prayers, singing or ceremonies. We have only to compare the Easter ceremonies of the Greek Church, to see how direct and almost abrupt at times are those of Rome.

The present reduction of the prophecies to four is a welcome concession to our less vigorous and spacious times. Centuries ago St Gregory reduced them to six, but the traditional twelve of the Gelasian Sacramentary eventually prevailed. In the early centuries at Rome they were read both in Latin and Greek owing to the mixed population. The four prophecies are now to be read by a lector, whilst priest and people sit and listen. Thus the celebrant is relieved of a rather tiring part of the ceremony, though one may perhaps hope that permission may be granted for these also to be read in the vernacular—the old Roman cus-

tom of reading in Greek and Latin shows that they were meant to be understood by the congregation. Nor should it be necessary for the celebrant in such a case to read them quietly to himself in Latin, though that may be the solution offered. We may note in passing that the catechumens were divided into two groups at Rome for the baptismal questions, one group being catechized in Latin, the other in Greek. This, presumably, is the historical basis for the renewal of baptismal vows, permitted in the vernacular.

Another practical touch is shown in the Instruction that during the singing of the Litanies everything is to be prepared for the blessing of the baptismal water, as also in the omission of the doubling. The baptismal water is now blessed on the sanctuary in full view of the faithful, unless the baptistery is a separate building, and the ancient custom demands that the blessing should take place there. What tended to be a hole-and-corner affair, has been brought into the light of day—or night—and assumes a greater interest for the faithful who can now see what is being done.

So far we have discussed the vigil of Easter. It is however to be hoped that the change will not end here. Let us look at the services for Maundy Thursday and Good Friday. It is only from a comparatively recent date in the life of the Church that these services have been moved forward to the morning. In the earlier centuries there were three masses on Maundy Thursday. One in the morning when the Pope absolved those who had been doing public penance. Later a second mass was celebrated, during which the Holy Oils were blessed. (We may note here how the administration of the sacraments was linked with the celebration of Mass.) In the evening took place the third mass "in Coena Domini" to commemorate the Last Supper. At this mass there was a general communion, and we may surmise that the obligation of our Easter communion arose from this custom. As the day had been filled with ceremonies, this last mass started at the Preface. The first mass fell into disuse in the twelfth century, when public penitents were absolved at a short service, from which derives the custom by which the Pope gives his blessing and indulgence "urbi et orbi" from the balcony of St Peter's. The second and third masses were combined into one

service. Unfortunately the original special preface for the evening mass disappeared from use with many others in the late middle ages, though it is preserved in the Gregorian Sacramentary.

According to the account of Aetheria, in the fourth century at Jerusalem the liturgy of Thursday took place in the late afternoon, when all communicated and then went to the Mount of Olives to keep vigil until dawn. St Augustine mentions that "in Coena Domini" mass and communion took place after the evening meal; and this was the general custom throughout the Church. It is paradoxical that in the hurry and bustle of modern life a return to this early custom would be more convenient than our present practice. A restoration of the evening mass would allow those who are now unable to be present on this most important day, to take their evening meal and then attend at an hour approximating to that of the Last Supper, and by making their Easter communion, join in "doing this in commemoration of me". Perhaps a fast of one hour might be recommended, though St Augustine merely says the ceremony took place "after the evening meal". Perhaps a convenient hour would be half-past seven.

The Holy Oils would of course be blessed at a separate service, either in the morning or the afternoon. The present blessing could be detached from the mass, unless it were considered desirable to add dignity to it by prefacing something like the "short mass" used at the blessing of candles or palms. Since however both Bishops and clergy find this a busy season, probably a simple service would suffice, and could be followed by the Mandatum. This latter would thus assume its proper place, for our Lord washed his disciples' feet before the consecration at the Last Supper. The blessing of the Holy Oils could thus become a non-fasting service, which would help the Bishop at this tiring period.

So far we have discussed mainly a difference of time, not of structure; but now a problem arises. In the minds of many people the Altar of Repose is linked with the idea of Christ in the tomb. In reality it has no reference to this, and in fact there was another ceremony to commemorate that episode in the Passion. Our present solemn procession and the Altar of Repose

have another origin. At one period the Pope at any solemn mass consecrated two hosts, one of which was preserved in a small casket and carried in procession by a Cardinal to the church where the Pope next celebrated. Thus was portrayed the continuity and unity of the Sacrifice. On Good Friday the Pope carried in procession a relic of the true cross, which was then venerated, but there was no mass of the Presanctified. Then the mass of the Presanctified was added, and the Pope himself conveyed the host consecrated the previous day. This part of the ceremony dates from the Avignon period. Hence our modern ceremony which so aptly symbolizes the unity of the Last Supper and Calvary.

There was a widespread custom, which is well illustrated in the Sarum usage, whereby the cross unveiled on Good Friday was conveyed to a sepulchre where it remained until solemnly restored at the Easter vigil service. The custom also arose for three hosts to be consecrated on Maundy Thursday, one for the Mass of the Presanctified, the other being placed in the sepulchre. The cross was laid by this, covered with a white veil, and both were taken in procession to the High Altar at the vigil service. Many of our old English churches still retain these sepulchres. It would seem reasonable therefore to retain the Altar of Repose with its processions since it marks so well the solemn institution and its link with Calvary, and to reintroduce the custom of laying the cross in the sepulchre after the abrupt end of the Mass of the Presanctified. The Altar of Repose could be utilized—the candles of course unlit—and the cross could be laid either in the tabernacle or on the altar table, covered in white.

At Jerusalem in the fourth century there was the adoration of the true cross in the morning and some liturgical service from twelve to three, but no Mass of the Presanctified. At Rome, as elsewhere, the whole psalter was recited in the morning, and about midday the relic of the true cross was taken in procession from the Lateran to the Sessorian basilica of Santa Croce. As mentioned above, the Mass of the Presanctified eventually became an integral part of the service. Until the fifteenth century the ceremony took place in the afternoon. In the earliest centuries there was a strict fast throughout Good Friday, and no litur-

gical service, but by the seventh century the faithful were permitted to receive communion on that day, though the Papal court still retained the older custom; however by the tenth century it had fallen in with the common usage. Thus we find in *Ordo Romanus* 1 "communicant omnes sub silentio". Our present custom is therefore a return to the primitive usage.

In welcoming, therefore, the vigil service on Holy Saturday, we suggest that the times of other services should be altered as well, in accordance with ancient custom. The blessing of the Holy Oils could take place in the late morning or afternoon, and be followed by the Mandatum. In the evening there would be the mass and general communion with procession to the Altar of Repose. On Good Friday the service would be timed to end about three o'clock and could be followed perhaps by the laying of the cross in a sepulchre or on the Altar of Repose. Those churches which have a relic of the true cross could use this in the adoration and laying in the sepulchre. The Friday morning would be left vacant for visits to the Altar of Repose, unless some might like to have the Stations of the Cross.

What would be the advantage of these changes? They are not suggested in a merely antiquarian spirit. Just as it has seemed appropriate to restore the Holy Saturday service to a more appropriate hour, so it seems desirable that there should be a celebration of mass at the approximate hour of the Last Supper, and equally that the Mass of the Presanctified should take place at the hour of the Crucifixion. In the decree about the vigil service Cardinal Micara mentions the liturgical reasons and adds "there is a special pastoral reason for this change, namely to encourage the presence of the faithful; for since Holy Saturday is not as formerly a feast day, many of the faithful cannot attend a morning service". The same reason applies at least to Maundy Thursday, and liturgical propriety suggests a changed time for both Thursday and Friday. Furthermore a number of sick or convalescent people would be able to make their Easter communion at an evening service, who would otherwise have to receive it at home. The unusual hour for celebrating mass would help to underline the solemnity of the occasion, and to bring home to the minds of the faithful the unity of the Last Supper and the Crucifixion. Moreover the greater con-

course of people would enable the ceremonies to be performed more solemnly, since full choirs and servers would be more easily available.

According to the new arrangements for Holy Saturday Tenebrae will be recited on Saturday morning. Perhaps the same method would be adopted for Thursday and Friday, though of course it would be necessary to change only one of these. We should lose the effectiveness of the gradual extinction of candles. But this loss is small in comparison with the gains. Finally, what of the crowded confessionals of Holy Saturday? Obviously many would come on the Wednesday in preparation for the Maundy Thursday communion. For the rest, the evening of Good Friday or the late afternoon of Holy Saturday would be most appropriate.

F. J. SHUTT

1300 YEARS AFTER ST AIDAN

IN the King of Northumbria's fort at Bamburgh, under a tent fixed against the west wall of the chapel, and reclining against one of the buttresses, St Aidan of Lindisfarne breathed forth his soul to God in the year 651. He had turned his back upon the North Sea and the rocky islets of Farne, where he had prayed with no other company than the gulls, gannets, and eider-ducks. He had turned his back upon his cathedral and monastery on Lindisfarne, where he was to be taken for burial, and he faced westwards towards the land of his origin and his Irish brethren of Iona, westwards to bless the land of his adoption and the people of his far-flung diocese, extending from sea to sea. Facing westwards, he was surveying the hills and the valleys of the north country, where for over sixteen years he had worked as an exile to win a vigorous, rough, and yet generous-hearted people for Christ. The way had been hard and watered by many tears; there had been so much to do, so many miles to travel, and so little time between sunrise and sunset, so little

time between the spring and the fall of the year. Now it was over. Had the work been done in time?

St Aidan, dying in the year 651, could only hope that the work he had begun would continue by God's grace—but his eyes were dimmed with sorrow because he had seen so much goodness destroyed by the harshness and brutality of a primitive society. On a day in August, nine years before, he had heard of the slaughter of Oswald, Northumbria's Christian King, a fine flower of chivalry, beloved of the monks of Iona, and fellow missionary with Bishop Aidan in the conversion of the north. Among the dwellers by Tyne and Teviot and Tweed, Christianity had taken root through the preaching and example of two men, Oswald and Aidan. Now the pagans had lopped off Oswald's head and arms, and placed them on a gibbet. It was small consolation when King Oswy, the brother, had brought back the pathetic relics home to Bamburgh and Lindisfarne—the arms to rest at Bamburgh, and the skull to rest at Lindisfarne.

On 5 August in the year 642 Oswald had died at the hands of the pagans. As if to celebrate the anniversary, King Oswin had been put to death by men who should have behaved as brethren and Christians—this was on 20 August, 651. Bishop Aidan had anticipated this cruel death, but the shock of it must have been more than he could endure, because in the words of the Venerable Bede "not later than the twelfth day after the killing of the King whom he loved, namely on the last day of August, he was removed from this world and received from the Lord the eternal reward of his labours".

No doubt God had sent the youthful Oswin to be a mainstay and consolation after the loss of Oswald. They were both noble, high-spirited, generous, unselfish servants of the Church and of their people. They had been both loyal and true in their service to the Bishop; he had blessed them both for their kindness to the poor. There had been that Easter banquet at Bamburgh when the Bishop had been invited to Oswald's table, the great silver platter had been brought in and the bread about to be blessed, when the King's almoner had come in to report the needs of a crowd of poor people outside. King Oswald had sent out the food prepared for his own table and had ordered the silver dish to be broken up and distributed as alms. This

generous act had so moved the Bishop that he took the King's right arm, and had said "May this hand never grow old!" It had since become a martyr's hand, incorrupt.

Prince Oswin had shown some of the same impulsive generosity. What an irreplaceable loss his cruel murder had brought to the north! He had physical and moral greatness. This tall and attractive young prince had been so pleasant in speech, so gentle in manner, and so kind to both high and low, with the result that his regal appearance and spirit had endeared him to everyone, attracting to his personal service men of high qualities from even distant places. To Bishop Aidan he had shown the reverence and affection of a son for a father. Perhaps it was age in the one or youthful enthusiasm in the other, but there had been a certain tenderness in their relationship, a tenderness made terribly poignant and sad to the old man because he had sensed the shadow of death behind them.

It had happened that young Oswin, who was a hunter and horseman, had prevailed upon Bishop Aidan to accept a horse from his stables. That must have been a victory for the young prince, because the Bishop always went on foot, but the fact that there were rivers to cross and that there might be cases of necessity had been powerful arguments.¹ The horse from the King's stock must have been of value, and its royal trappings made it even more valuable. When Bishop Aidan had given horse and all away to the first beggar he met, he had not anticipated being chided by the King for his seeming folly. King Oswin had felt hurt that a horse of special race and picked by himself especially for the Bishop's use should have been passed on with so little ceremony to a beggar. The King had been annoyed that day, and so they had passed into the dining hall, slightly estranged.

The Bishop, like one of the family, had gone to his accustomed seat. King Oswin, who had been out hunting, had gone to the fire to warm himself, together with his attendants. There he remembered what the Bishop had said in reply to his complaint—"Do you feel that this son of horse is dearer to you than

¹ The fact that St Aidan consented to ride a horse shows that he was either giving up some of his severity in his old age or that Oswin was very persuasive. As the saint quickly abandoned the horse, we must presume that Oswin was remarkably persuasive.

one who is a son of God?" Then, unbuckling his sword, Oswin handed it to one of his men and went to cast himself at the feet of the Bishop, saying that he would never again question what was given to God's children.

The Bishop had been much moved by this, had raised him up, and begged him to sit at table with no sad thoughts. Sadness then came flooding into the Bishop's own mind, and he could not restrain his tears. An Irish priest, sitting near him, asked in his native tongue, which the King and the others could not understand, why he was weeping. "I know," he replied, "that the King will not live long; I have never seen a humble King before, and I think he will be taken quickly from this life, because this people is not worthy of such a ruler." *Non enim digna est haec gens talem habere rectorem*—unworthy of such a ruler. The words had a touch of bitterness in them. Were they not justified? Alas, later events proved that they were. Oswy, King of the northern territory of Bernicia, could not tolerate the surrender of southern Northumbria's province of Deira to King Oswin, and war was prepared.

In that fateful year, 651, the armies of the north had moved towards Catterick, hoping to meet and overthrow the forces of King Oswin. There was no refuge from the present horror for Bishop Aidan either on the lonely rocks of Farne or in the monastery at Lindisfarne. Bamburgh and the court were in a turmoil; there he must advise, offer counsels of peace, and await in patience the dreadful news of the clash between north and south, and of the onslaught against his beloved son in Christ, King Oswin.

There had been no clash of arms near Catterick because Oswy and his allies had seemed too strong, so the order for retreat had been given to the southern forces, in order to await a better time. Oswin was betrayed by the lord in whose house he had taken shelter and cruelly put to death by one of King Oswy's officers.

This grievous news was almost a death-blow to Bishop Aidan when it reached Bamburgh. His death has always been associated with the entry of St Cuthbert into the monastery at Old Melrose. Cuthbert as a youth had done some military service, and it may be that among the soldiers wending their way north

from Catterick in that August of 651 was the young Cuthbert, filled with horror at the cruelties of his countrymen and strangely moved by the murder of King Oswin. According to the ancient authorities, the young Cuthbert was watching flocks of sheep on the hills at night when he had a vision of St Aidan leaving this earth. St Cuthbert thus received his call to holiness, which was to make him the great monk, bishop, and hermit. The first Apostle of Northumbria, Bishop Aidan, could depart in peace, for a great saint was to follow him.

For the Saint breathing his last under the awning fixed to the west side of Bamburgh church, there was little consolation in the events of the year 651. We shall never know for certain, but the fact of his dying outside the Court, and yet almost on the doorstep of the Court, may have been a sign that he had turned his back upon King Oswy for his part in the war against a Christian prince. Maybe he had shaken off the dust of the Court from his feet, turning away despairingly from a hard-hearted people—"this people is not worthy of such a ruler"—and if not worthy of Oswin, was it worthy of Bishop Aidan? When the news of Oswin's death arrived, the Bishop must have felt that it was a signal for his own departure.

When the sad funeral *cortège* set out over the sea to Lindisfarne, taking the Saint's body to be buried in the little churchyard of the brethren there, it must have been to some of those present a reminder of that journey only sixteen years before when the saint had set out with his disciples to lay the foundations of his monastery on the tidal island. Sixteen years was all too short a time, but Lindisfarne had become and would long remain a nursery of saints, who would make it Holy Island, a force and a symbol through the long centuries of English history. Even in defeat its banner would still be flying, as it flies today for all who care to read, proclaiming the mission of the early saints to the English people.

Sixteen years before it must have seemed to St Aidan almost a miracle of Divine Providence when he discovered that only a few miles from the seat of the King's government at Bamburgh there lay this lonely island, a place that could be made a retreat from the world like his own Iona. Here he had gathered not only disciples to train for the religious life but also twelve Eng-

lish boys to be educated as missionary priests—among them Chad and Cedd, destined to carry the message of Lindisfarne far beyond Northumbria. The work would continue through men like them, schooled and trained by Aidan, even when some of his Irish fellow-countrymen left the English mission and returned to northern Ireland.

The work would continue also in the monastery at Old Melrose, and in those flourishing communities of St Aebba at Coldingham (St Abb's Head) or St Hilda at Hartlepool and Whitby. For these princesses had brought support to the Christian cause almost as vital as that of princes like Oswald and Oswin, and probably more enduring. It was in these communities that the saintly memory of Aidan was to be kept alive and treasured, so that some fifty years after his death a monk of Lindisfarne would write affectionately about "the death of our holy Bishop" (*obitum sancti episcopi nostri Aedani*).

But it was left to an English monk, not of the Irish tradition, but a follower of St Benedict, to compose the only account of St Aidan's life that has been preserved from that distant age. The picture drawn by the Venerable Bede in the third book of his *Church History* has such charm that it has evoked from one writer the comment that St Aidan is the most attractive of the early saints of England. He was, according to that account, "a man of complete gentleness, piety, and moderation, full of God's zeal, although not of the highest learning". He had in his life "continual regard for peace and charity, continency, and humility—a spirit that rose above anger and avarice, that spurned pride and vainglory—he had set himself to do as well as to teach the bidding of heaven—he was familiar with sacred study and with watching—with an authority worthy of a bishop he could reply to the proud and mighty, or bring relief to the poor, or maintain mercy". Referring to the testimony of those who knew him, the same history declares that "whatsoever in the gospels, or the writings of the apostles and prophets, he had learned should be observed, he never omitted in the least but strove with his whole might to accomplish in all things".

Such was the first Bishop of Lindisfarne, the first if not the greatest saint of Holy Island. When some of his Irish disciples removed most of his bones to Inishboffin, some of the glory of

his memory was no doubt thereby obscured. Yet some of his bones remained to find their place in the coffin of St Cuthbert and to share in its wanderings until it came to rest at last in Durham.

Yet no dispute over relics could obscure completely the attachment of the Irish saint to the see of Lindisfarne. Nor could the glory of St Cuthbert quite overshadow the simple majesty of the missionary bishop, who had preached in Irish while King Oswald translated his words into the language of his people. Ever since the fateful year 651 pilgrims have crossed the sands to Lindisfarne:

Dry shod, o'er sands, twice every day,
The pilgrims to the shrine find way;
Twice every day the waves efface
Of staves and sandalled feet the trace.

So wrote Sir Walter Scott in *Marmion*, bringing before our eyes a picture of our Catholic ancestors wending their way round pools and quicksands along the ancient pathway to Holy Island. Although the saint's principal relic, a skull, lies undoubtedly in St Cuthbert's tomb behind the high altar of Durham Cathedral, its intended resting place was by the ancient church at Lindisfarne, and it is towards Lindisfarne that the modern pilgrim, if he would enter into the spirit of the apostle of Northumbria, must set his feet.

CHARLES A. BOLTON

MASS AT SEA

AN important branch of *Apostleship of the Sea* work is the provision and maintenance of Holy Mass equipment for use at sea.

The universality of the Church causes priests to travel extensively and, even in these days of rapid transport, a single voyage may last many weeks. Many of these priests are missionaries

bound for some far distant land or returning home after long years of absence. Bishops reporting to Rome; students or professors or pilgrims; priests as refugees or in search of health; for one reason or another on any given day there is a considerable number of priests on the high seas.

On the biggest passenger liners, it is unusual not to find a priest among the passengers during a long voyage. In countries such as France or Italy, shipping companies appoint a priest as official chaplain on certain routes: one British firm, which sails to South America, usually appoints a Catholic chaplain for the round voyage on its largest vessels.

In peace-time, the Royal Navy has a few sea-going chaplains, as distinct from priests who are shore-based. In the American Navy, there is a total of 133 Catholic chaplains, about one third of all the chaplains. Incidentally, it is the example of these priests which led to more than 700 ex-navy men applying to join seminaries in 1948 and again in 1949. Another encouraging feature is the way in which Catholic merchant navy men are welcomed to American men-of-war when Mass is offered aboard.

Naturally, the chaplains on passenger ships are appointed for the sake of the passengers, but their priestly zeal will not allow them to neglect the crew. As more than half the world's seafarers are Catholics, it will be realized that there is wide scope for work on their behalf.

Special permission is required by priests who wish to say Mass at sea and leave may be granted to say two Masses on a Sunday or Holyday of Obligation. Thus it may be desirable to offer Mass at an early hour for the benefit of the crew and at a later hour for the passengers.

Ship's officers are normally very co-operative and, on request, will afford the priest all reasonable facilities for the celebration of Holy Mass. Announcements about the time of Mass will be made over the ship's public address system and on notice-boards, while a suitable public room will be put at the disposal of the priest and his congregation.

On a limited number of ships, there are fully equipped Catholic chapels. In recent years most big passenger liners have carried their own portable Mass equipment permanently:

before the destruction of Japan's merchant navy, even Japanese ships carried all necessities for Holy Mass. In some instances, the altar is "fixed": on other ships the equipment is all contained in large boxes and a temporary altar will be improvised as necessary.

The *Apostleship of the Sea* advises shipping companies on the provision of altar equipment and, in the case of ships which do not possess a portable altar, will lend a priest-passenger everything requisite for Holy Mass. At the end of each voyage, or at ports of call, representatives of the *Apostleship of the Sea* go aboard many passenger vessels in order to "service" the equipment. Supplies of wine, candles and altar breads must be available: fresh linen is put aboard and used linen is removed for laundering: the equipment is carefully checked and any necessary replacements or repairs are arranged. In certain ports, shipping companies transport the Mass equipment to a centre ashore and the servicing is done there. At Liverpool, for example, there is a special "Altar Case Committee", consisting of fourteen ladies who work in teams of two, each team having a motor-car at its disposal: the shipping office informs the *Apostleship of the Sea* when a vessel is due and the team next on the rota is notified by telephone. With good reason the *Apostleship of the Sea* is proud of the efficient service given in New York, Southampton, Tilbury and many another port.

Shipping companies are faced with increasing competition, as before the War, and they realize that the choice of a ship by a Catholic passenger may well depend on adequate facilities for Holy Mass. For instance, one of the largest religious orders ceased to book passages by one particular Line which did not make adequate provision: subsequently that shipping Company announced that it would supply altar equipment. Or again, one regular passenger approached a shipping firm with the suggestion that altars should be provided on a particular route: to show how sincerely anxious she was in the matter, the lady offered to defray the cost of one complete Mass set provided that the Company would equip all the other ships concerned—this was agreed.

Priests or other passengers intending to take a long sea voyage are urged to consult the *Apostleship of the Sea* in good

time beforehand, so that appropriate information or advice can be offered. Before booking a passage, prospective passengers should inquire about religious facilities aboard ship: after the voyage, criticisms whether favourable or adverse should be communicated to the shipping company concerned.

The only reference in the Code of Canon Law to Mass at sea is a prohibition! It is interesting to compare this strictness with the liberality with which canon law enables priests enjoying diocesan faculties to hear confessions at sea and at ports of call. Permission to say Mass at sea is often granted, however, by the Holy See on application made to Apostolic Delegates. Occasionally leave is sought direct from the Congregation of Sacramental Discipline and there are certain Ordinaries who have the privilege of granting this permission. It is important that a priest who intends to take a long voyage should consult the ecclesiastical authorities well in advance.

Whenever possible, shipping companies appoint a Catholic steward to assist the *Apostleship of the Sea* in the care and maintenance of altar equipment: in port, the Purser will ensure safe custody. Recently a large ship became what is technically a "total loss" and the vessel with its contents became the property of the underwriters—the *Apostleship of the Sea* inquired about the Mass equipment which was on board and ascertained that this had been carefully salvaged for use on another ship of the same Line.

It is customary to take a collection, for seamen's charities, at religious services aboard ship. Naturally it is appropriate that an explicit request should be made to the Purser or other officer, so that money collected at Holy Mass should be forwarded to the *Apostleship of the Sea*, which is the Catholic society for the welfare of seafarers.

R. MORE O'FERRALL

QUESTIONS AND ANSWERS

MEMORIALE RITUUM: PASCHAL VIGIL

May a parish priest who is permitted the use of the *Memoriale Rituum* for small churches adapt it to the new office for the Paschal Vigil? (C.)

REPLY

The decree of the Congregation of Rites, 9 February, 1951, printed in this journal, 1951, XXXV, p. 333, together with the new text and rubrics of the restored night office, is provisional in character. The rite is authorized for use at Easter 1951 only, and the bishops are requested to send reports on the experiment to the Holy See. Nothing contained in this decree authorizes an adaptation of the rites to the abbreviated ceremonial of *Memoriale Rituum*. Actually the decree was published rather too late to be of much practical use in 1951, and we may expect very likely a further extension of the experiment to 1952; an official decision will also be forthcoming, no doubt, about the *Memoriale Rituum*. Subject to this decision, and subject to the decisions of local Ordinaries on the matter, it is our opinion that it is permissible to adapt the new rite to the *Memoriale Rituum* in all parish churches, and also in oratories which enjoy an indult for using this book;¹ in fact several parish churches did this at Easter 1951. We rely for this view on the excellent supplement, fasc. 1, issued by *Ephemerides Liturgicae*, which is the best commentary so far issued on the new rite, and which gives, in the appropriate place, the modifications of the rubrics when the *Memoriale Rituum* is being used. The following summary, in which no provision is made for chanting, gives a description of these adaptations, the references prefixed by "D" being to the new decree, and those prefixed by "M" to the *Memoriale Rituum* in the Turin edition of 1931.

i. The celebrant performs everything in D. II, 1-9, up to the blessing of the paschal candle inclusive, whereupon he vests

¹ THE CLERGY REVIEW, 1947, XXVII, p. 51.

as a deacon, M., VI, ii, §1, 11, and the procession into the church is formed in the following order: thurifer, server with the cross, celebrant carrying paschal candle, two servers followed by the people, all except the celebrant with unlighted candles. At the second *Lumen Christi*, the second and third servers light their candles, and the people light theirs at the third *Lumen Christi*. The celebrant places the paschal candle on its support in the middle of the sanctuary, receives the missal and recites *Jube Domne* kneeling, places the missal on its stand in front of the paschal candle, and after incensing book and candle recites the *Exultet*, the cross bearer on his left and the thurifer on his right.

ii. At the conclusion of the *Exultet* the celebrant resumes violet stole and cope, reads the four prophecies at the stand in the centre of the sanctuary, and kneeling in the same place recites the litany up to *Propitius esto*, D. II, iv, 14-18.

iii. During the litany a large vessel containing water is placed in the centre of the sanctuary, and having completed the first portion of the litany up to *Propitius esto* the celebrant blesses it with the rites of M. VI, ii, §iv.¹ The public renewal of baptismal vows follows immediately, D. II, 25. The celebrant completes the litany from *Propitius esto* to the end, and then vests for Mass which is celebrated, as in D. III, without the *Judica* psalm and without Vespers.

FORM OF ALTAR CRUCIFIX

Is there any law, or at least preference, regarding the form of the altar crucifix figure? Is it, for example, more suitable for our Lord to be represented as alive or as dead? Also what is the truth about the so-called Jansenist crucifix? (T.)

REPLY

i. There are many directions about the position of the altar crucifix but we can discover no decision or recommendation

¹ The directions for places with the baptistery in a separate building are disregarded in this summary.

about the first point raised. The history of the crucifix, and various forms of it in Christian art, may be studied in the larger reference works such as the French *Dictionnaire d'Archéologie*, III, 3045 seq., and its more modern forms in Roulin, *Nos Eglises*, pp. 525-31. One may use, accordingly, any kind of crucifix which is artistically in harmony with the rest of the altar furniture.

ii. *Revue Augustinienne*, 15 August, 1910, summarized in *l'Ami du Clergé*, 1910, p. 1021, contains a full account of the so-called Jansenist crucifix. The notion is still widely spread that a crucifix which represents our Lord with arms practically vertical, instead of extended, symbolizes the Jansenist error that Christ did not die for all men. The writer shows that figures of this kind were in existence long before the rise of Jansenism, and moreover that it is untrue to say that the Jansenists favoured this existing type of figure for reasons connected with their doctrines. Other small variations, such as the transfixing of our Lord's feet with one nail only, are due entirely to artistic preferences, and one may say the same about the vertical position of the arms. Also, no doubt, the material used might have some influence on the shape of the figure: thus, a figure to be carved on one tusk of ivory almost necessarily requires the vertical position of the arms.

ORDINARY'S PERMISSION FOR CIVIL DIVORCE

A Catholic who appears entitled to a civil divorce in order to secure its civil effects is told by the parish priest that the Ordinary's permission must first be obtained. But on being asked for the chapter and verse of the law he could not produce it, and would like to be informed on this point. (R.)

REPLY

i. In the common law there is no very firm and explicit statement directing persons to secure the Ordinary's permission before getting a civil divorce, the reason no doubt being that,

in the conservative view at least, a civil divorce is intrinsically wrong and therefore can never be permitted. The liberal view, however, denying that the act is intrinsically wrong, is now generally held; otherwise Catholic judges and lawyers would be at a serious disadvantage in practising their professions, and might even have to abandon them altogether.¹ Nevertheless, we may not apply this liberal view to every case of a Catholic petitioning for a civil divorce, even when it is assumed that there is a just reason and no intention of remarriage. Unlike judges and lawyers, whose office may oblige them to administer the law, a petitioner is under no similar compulsion; scandal which can easily be removed in the one case is removed less easily in the second; and whereas in the one case the act is completed by working the legal divorce machinery, in the second case the act is accompanied by the proximate danger of attempting a second marriage.

ii. As regards explicit chapter and verse, lacking in the common law, one may rely in many places on the local law. An example is in decree 81 of the IVth Provincial Council of Malines, and in numbers of American dioceses² the act of seeking a civil divorce without the Ordinary's permission is a reserved sin. Where there exists no local law the act may, without great difficulty, be brought implicitly within the common law: firstly by reason of the canons requiring the Ordinary's intervention in judging the lawfulness of separation; or, if these canons are held not to apply, by reason of the law directing refusal of the sacraments to public sinners, a refusal to which a delinquent is liable so long as grave scandal attaches to his act of obtaining a civil divorce without permission.

iii. The Ordinary's intervention is required for two reasons: firstly, in order that a decision may be given on the necessity of civil divorce for the purpose of obtaining the civil effects, a decision which will depend on the circumstances of each case and on the civil law; secondly, for the purpose of removing the scandal caused by a Catholic apparently flouting the divine law on the indissolubility of Christian marriage, and manifestly affronting the Church by bringing an important marriage cause

¹ THE CLERGY REVIEW, 1933, V., p. 236.

² Listed in *Theological Studies*, September, 1947.

to a civil tribunal. The Ordinary who gives permission will also direct the steps to be taken to avoid scandal, for example, a signed and witnessed statement to the effect that the party seeking a civil divorce is doing so for the civil effects only, and with no intention of re-marrying.

iv. Whilst admitting the necessity of the precautions outlined in (iii) (a judgement on the necessity of a civil divorce and the removal of scandal) it may be asked why it is absolutely necessary to seek this judgement from the Ordinary. Is a parish priest not fully competent to give a decision? Some commentators teach that, after the event, the parish priest may give a decision that repentance and due reparation of scandal justify the granting of the sacraments in such cases,¹ and that recourse to the Ordinary is necessary only when there is doubt on these points, on analogy with the law of canon 1240, §2, or when the sin is locally reserved to the Ordinary. But we can find no writer teaching that, before the event, a parish priest may authorize divorce proceedings. On the contrary those who have fully examined the matter hold that the case must always go to the Ordinary for the reasons outlined in (ii). "It is obvious that no Catholic may seek a civil divorce without first obtaining the permission of the Holy See, or at least of the local Ordinary."² "Propter periculum exceptionaliter momentosum in bonis fortunae vel quoad educationem liberorum, quod sola separatione corporum satis removeri non posse videatur, rem Episcopo exponere eiusque mandatis stare debent."³

RESTITUTION FOR GRAVE DAMAGE

A thief deprives the owner of a ring, worth in the thief's estimation £10. After disposing of it for £10 the thief learns that its real value is £50. Is the amount of restitution £10 or £50? (P.)

¹ Cf. *P'Ami du Clergé*, 1949, p. 200. What we have written in this REVIEW, 1941, XX, p. 182, needs modifying so as to allow for the view that recourse to the Ordinary in these cases, though advisable, is not always necessary.

² *The Jurist*, 1949, p. 198.

³ *Collationes Brugenses*, 1946, p. 434.

REPLY

i. An adequate solution of all doubts about restitution requires one to bear in mind a great number of principles, so that it is rarely possible to deal with such problems within the limits permitted in answering questions in this journal. In the above case there is no dispute about the obligation of restoring at least £10, since the thief is bound to do so on the basis of being an unjust possessor of £10. If he is bound to do more than this it will be on the basis of unjust damnification, a duty which arises in conscience only if the act is committed with "theological" culpability, and this limits restitution to the extent of the damage voluntarily intended. The qualification "theological" is used in this context to distinguish the culpability from that which is "juridical": there is no dispute that in the external forum of law, since it is not possible to take into account the individual conscience, the thief could be forced to pay the full amount of the injury, £50, and the theologians are agreed that after judicial sentence he is bound in conscience, as well as in civil law, to restore this amount to the person unjustly damaged.

ii. The point raised in the above question can best be considered by slightly altering the circumstances. The thief, let us suppose, voluntarily elects to cause damage which he has no reason at all for supposing is above £10; and let us suppose, secondly, in order to avoid a lot of vexatious problems about the subsequent unjust possessors, that he throws this ring into the sea. The solidly probable solution about his obligations of strict justice in conscience is that he is bound only to the extent of the damage that he foresaw and consented to at the time of the injury, namely £10. Thus, all the current manualists who discuss the point, e.g. Iorio, *Theol. Moralis*, II, §648; Ferreres, I, §783, 10. Also O'Donnell, *Moral Questions*, p. 146. They rely on the teaching of the classical writers and suppose that, in conscience, the unjust damnificator was invincibly ignorant of causing damage in excess of £10.

ST CECILIA—MUSICIAN

The first antiphon at Lauds and Vespers for the feast of St Cecilia, 21 November, seems to represent the Saint as playing the organ and singing, whereas a longer form in the responsory to the first lesson at Matins states that the Saint was "singing in her heart to God", which does not imply the use of any instrument or indeed of any musical sounds at all. How is this difference in the texts explained? (W.)

REPLY

"Venit dies in quo thalamus collocatus est et, cantantibus organis, illa in corde suo soli Domino decantabat dicens: Fiat cor meum et corpus meum immaculatum ut non confundar." This passage, from the *Acta* of the Saint's martyrdom, includes the text of the responsory to the first lesson in the breviary; it begins at *cantantibus* and has *Caecilia virgo* instead of *illa*. The first antiphon of Vespers and Lauds has the passage in a still more truncated form, omitting the words *in corde suo soli*.¹

i. It is thought by competent critics that the words of the antiphon of Lauds and Vespers must be responsible for the tradition that St Cecilia was herself a musician, since they can have the meaning that the Saint sang whilst accompanying herself on the organ. It is, however, clear that the meaning of the untruncated text of the *Acta* is that whilst secular or profane music was being performed at the nuptials the Saint sang in her heart to God. The use of this antiphon, with its pleasing melody, was widespread from the eighth century onwards, and sculptors and painters began to represent the saint with a musical instrument, which was usually a simple set of organ pipes, but occasionally some other instrument such as a violin. The ancient liturgical tradition is thus very probably the cause of associating this saint with music and musical instruments. Dr Grattan Flood has gathered much evidence in favour of the tradition²

¹ *Dict. Archéol.*, II, 2722.

² *American Ecclesiastical Review*, 1911, XLV, p. 566.

stretching back beyond the eighth century, evidenced for example in the Cologne bell made by Irish monks and dedicated to St Cecilia.

ii. Notwithstanding the lack of strictly historical as distinct from liturgical evidence, the Saint's association with music, though not perhaps with any definite instrument, is sufficiently implied in the words of the *Acta*; some twelfth-century verses¹ of German origin speak of her prayer reaching the ears of God like the sounds of an organ. Her Christian prayer accompanied and, as it were, baptized the sounds of the pagan music. In any case, the choice of this saint as the patroness of music is completely justified.

JUBILEE PRAYERS

Amongst these prayers is prescribed a triple *Ave* with the invocation "Queen of Peace, pray for us". Does this mean that the invocation is to be repeated after each *Ave*? (T.)

REPLY

Per Annum Sacrum, 24 December, 1950; THE CLERGY REVIEW, 1951, XXXV, p. 191, ad III: *Preces, in unaquaque visitatione recitandae, hae sunt: quinquies "Pater, Ave, Gloria"; semel praeterea "Pater, Ave, Gloria" ad mentem Nostram; ac semel formula "Credo"; insuper ter "Ave Maria" cum invocatione "Regina pacis, ora pro nobis" ac semel "Salve Regina". Ad haec adici potest precatio, quam Nosmet ipsi composuimus pro Anno Sancto MDCCCCL.*

The structure of the whole passage requires, in our view, that the invocation "Queen of Peace" be repeated after each *Ave*. There is no comma after "Ave Maria", and the use of the word "semel" whenever any of the other prayers are to be recited only once indicates that if the invocation "Queen of Peace" were to be said only once the word "semel" would be attached.²

¹ *Dict. Archéol.*, *ibid.*

² Thus M. Noirot in *Ami du Clergé*, 1951, p. 143.

It could be argued, no doubt, that the passage is also capable of being interpreted in the sense that the invocation is to be said once after the triple *Ave*, and if local Ordinaries have so expressed the condition in their instructions to the faithful this view may, of course, be accepted in their dioceses. Otherwise, the faithful should be told to repeat the invocation after each *Ave*.

Dr Noirot also notes that the recitation of the *Salve* means the anthem ending with "O dulcis Virgo Maria", and does not include the versicle and response with the prayer.

We may add that the Papal peace prayer, which is stated above to be the one composed by the Pope for 1950, has been revised by His Holiness, and that the revised text is the one to be used during 1951.

CALENDAR FOR MASS AT SEA

When celebrating on board ship, should one follow one's own calendar or rather that of the universal Church? (E. R.)

REPLY

S.R.C., 13 June, 1950, ad i; *Ephemerides Liturgicae*, 1950, p. 359: Cum iuxta decretum S. Congregationis Rituum, n.4069, ad 5, cappella navis, fixum locum habens, uti publica censenda sit, quaeritur utrum in Missarum celebratione (1) Calendarium illius dioecesis sequi oportet, ad quam pertinet portus patrius eiusdem navis, (2) an potius Calendarium universale? *Resp.* Negative ad primam partem, affirmative ad secundam.

The reply, though not authentically published, indicates what one should do when celebrating in the public oratory of the ship; if a private cabin is being used, as would be the case on the smaller vessels, it would also seem to be more correct to follow the universal calendar, since in the open sea there is no local Ordinary to direct otherwise; but there is no rule on the point, and it may often be more convenient to follow one's own calendar.

INDEX OF MISSAL AND BREVIARY

Does there exist something resembling a concordance of the Missal and Breviary, enabling one to trace the position, say, of a Collect? (R. A.)

REPLY

i. A work of this kind based on the current Missal is promised from Mont César, Louvain, but not yet published. The nearest thing to it is a work which we have often found useful: "A Classified Index to the Leonine, Gelasian and Gregorian Sacramentaries, according to the text of Muratori's *Liturgia Romana Vetus*." Pp. 102. By H. A. Wilson, M.A. (Cambridge University Press, 1892). It consists of indices to the Prefaces, special clauses in the Canon, Benedictions, Exorcisms and forms of Ordination and Investiture; but the chief section, seventy pages, is an index of the Collects. For the most part these are textually identical with those in the current Missal and are found in the same location, so that, discovering that a certain collect is assigned in one of these Sacramentaries to a given day, one may then turn to the same day in the current Missal. The Muratori used is the edition of 1748, a convenient collection in two folio volumes of the three Sacramentaries, though by no means the best textual edition of the same: for this one must consult modern editions, such as Feltoe's *Leonine Sacramentary*. Wilson's book, though out of print, is sometimes seen in the second-hand catalogues.

ii. For the Breviary there exists a work entitled *Index Breviarii Romani*, pp. 53, published at 5s. by Michael Houghton, 14 Bury Place, W.C.1, in 1939. It was carefully reviewed by Mgr Barton in this journal, 1940, XVIII, p. 328. Care in using it is necessary when some theological reference is given, but it is the only thing of its kind known to us, and may form the beginnings of a more complete index. It includes proper names, as well as ideas, customs, terms and doctrines, but the system on which the work is based is at times confusing, and it is frequently not clear where one reference ends and another begins.

E. J. M.

ROMAN DOCUMENTS

THE TEACHING OF HOLY SCRIPTURE

COMMISSIO PONTIFICIA DE RE BIBLICA

INSTRUCTIO

AD EXCMOS ORDINARIOS LOCORUM ET SUPREMOS RELIGIONUM MODERATORES, REVMS SEMINARIORUM RECTORES ET SACRAE SCRIPTURAE LECTORES: DE SCRIPTURA SACRA IN CLERICORUM SEMINARIIS ET RELIGIOSORUM COLLEGIIS RECTE DOCENDA. (A.A.S., 1950, XXXXII, p. 495).

Omissis . . .

CONSILIA ET NORMAE

Studia igitur biblica, cum at pietatem sacerdotalem et muneris apostolici fructum tantopere valeant, summa diligentia esse peragenda et promovenda, nemo sane est quin videat, ideoque valde dolendum est eadem non semper in debito haberi honore, sed non raro aliarum disciplinarum studio indigne postponi, immo interdum perperam neglegi. Quare haec Pontificia Commissio de Re Biblica, variis ex diversis orbis partibus notitiis et votis commota, tam Excmis locorum Ordinariis Supremisque Religionum Moderatoribus quam Revms Seminariorum Rectoribus ac rei biblicae Magistris enixe commendanda censuit quae sequuntur.

1. In Seminariorum et Collegiorum *bibliotheca biblica*, praeter Sanctorum Patrum et maiorum interpretum catholicorum commentarios, adsint meliora opera de theologia biblica et de archaeologia et historia sacra, atque etiam encyclopaediae seu lexica biblica atque periodicae de rebus biblicis ephemerides, quae quidem opera singuli magistri varias ob rationes non facile acquirere possunt, suo sane et alumnorum ingenti damno.

2. Pari autem cura ac diligentia Seminariorum et Collegiorum Moderatores provideant, ut *Clericis* quoque, praeter Sacrorum Bibliorum volumen reique biblicae librum manuales quibus singuli instruantur, in propria ipsorum bibliotheca illa praesto sint opera quibus ad lectiones in scholis auditas recolendas et apte complendas melius et efficacius iuvare possint.

3. Magister rei biblicae, ut officio suo laudabiliter satisfacere

possit, totus *relinquatur muneri suo* neque alia ei graviora committantur negotia, et tanta cum cura a Superioribus, collatis pecuniae quoque subsidiis aliisque opportunis auxiliis foveatur, ut animo libenti, etiam per totam vitam, in docendi munere perseveret.

Prima enim studii biblici in Seminariis et Collegiis provehendi condicio ea est, ut magistro rei biblicae omnia illa librorum et pecuniae subsidia suppeditentur, quibus et ipse in scientia progredi et progredientem scientiam suam facere, conventibus studiorum causa instituendis interesse, data opportuna occasione Terram Sanctam invisere, laborum suorum fructus typis edere possit.

Consulitur vero ut, ubi maior est alumnorum numerus (immo etiam alibi, ut futuris necessitatibus mature provideatur), duo constituentur Lectores rei biblicae, alter Veteris, alter Novi Testamenti.

4. Magistro rei biblicae, discipulorum progressus studioso, enixe commendatur, ut *selectis alumnis maiore ingenio praeditis* peculiarem tradat cursum liberum, sive linguarum biblicarum aliarumque quae ad studia Sacrae Scripturae necessariae vel utiles sunt, sive theologiae biblicae, historiae, archaeologiae aut cuiusvis alterius disciplinae auxiliares. Quo in cursu tractare poterit etiam quaestiones peculiares, quae de singulis libris biblicis hodie magis agitantur quasque ipse sive proprio studio sive commentationum lectione accuratius investigaverit.

5. Magistro rei biblicae itidem suadetur, ut *melioris spei alumnos* qui peculiarem erga Sacras Paginas amorem ostendant, cum prudentia et moderatione, Superiorum consilia secutus, ad studia specialia praeparet, ita tamen, ut alias disciplinas neutiquam neglegant. Quibus opportunitatem praebeat addiscendi linguas etiam recentes ad haec studia magis necessarias eosque ad cognoscenda et legenda instituat opera "de historia utriusque Testamenti, de vita Christi Domini, de Apostolorum, de itineribus et peregrinationibus palaestinensibus". Probe enim meminerit grave detrimentum pati huiusmodi alumnos, cum sine iusta praeparatione, potissimum litterarum, ad studia specialia peragenda mittantur, sibi que persuadeat unum ex praecipuis suis officiis esse, ut Seminario suo, propria experientia usus, optimos praeparet futuros praeceptores quorum opera res biblicae magis magisque colantur et floreat.

6. Cum exiguo illo temporis spatio quod Sacrae Scripturae scholis plerumque assignatur, iis omnibus quae ad Clericorum theologicam et asceticam institutionem et ad rectum Sacrorum Librorum in liturgia ac contione usum docendum requiruntur, debito modo satisfieri vix possit, valde laudatur et enixe commendatur, ut iam ab ineunte altiorum studiorum curriculo, id quod in quorundam Ordinum Collegiis laudabiliter fieri novimus, *compendiaria quaedam tra-*

datur introductio, qua opportune stimuletur et dirigatur totius Sacrae Scripturae lectio ab alumnis studiorum tempore cursim facienda. Quod si rite factum erit, magister intra quadriennium curriculum theologici in doctrina biblica exponenda diutius immorari poterit.

7. Clerici theologi semel vel bis in anno *homiliam* de pericopa aliqua biblica componere teneantur quem laborem ipse magister dirigat et diligenter iudicet. Hac ratione alumni, iam inde a principio institutionis theologiae, homilias diebus dominicis et festis habendas congruo studio et pia meditatione parare accurateque scribere addiscent, atque Verbi Dei sensum verum ac proprium populo christiano e suggestu recte, apposite, reverenterque proponere et explanare.

8. Postremo ut studium Scripturae Sacrae etiam peracto theologiae curriculo debita ratione colatur et perficiatur ac deinceps per vitam fideliter continuetur, ad *examina* quae sacerdotes saeculares saltem per triennium, religiosi saltem per quinquennium, expleto studiorum curriculo, ex praescripto Iuris canonici de variis sacrarum scientiarum disciplinis subire tenentur, singulis annis etiam quaestiones aliquae graviores de Introductione generali et speciali et de exegesi parandae assignentur. Praeterea in *collationibus* seu *conferentiis* quae a Clero tam saeculari quam regulari ad normam eiusdem Iuris canonici statis temporibus de re morali et liturgica habendae sunt, explicanda proponatur etiam—ut in quibusdam regionibus multa cum laude fit—pericopa aliqua biblica sive Veteris sive Novi Testamenti, quae a magistro rei biblicae Seminarii apte eligatur et ab eodem postea in periodicis commentariis dioeceseos, si casus fert, vel alibi ad rationem scientiae biblicae explicata evulgetur.

Exc̃m̃s Ordinarios et Reṽm̃s Religionum Moderatores enixe rogamus, ut quae hisce exposuimus, ea qua moventur communis boni cura ac diligentia, ita accipiant et exsequi velint, ut futurorum nostrorum sacerdotum institutio in dies magis perficiatur atque solida illa sacra imbuantur scientia qua iam studii theologici tempore ac dein per totam vitam uti debent, idque non leviter et temere, nec proprio arbitrio et sensu, sed secundum scientiae sacrae normas, secundum Ecclesiae leges et praecepta, secundum genuinae traditionis catholicae regulas, ut Sacri Libri in propria vita spiritali alenda et excolenda eis sint quasi panis cotidianus, lumen et robur, in ministeriis autem apostolicis efficax auxilium quo adiuti quam plurimos ad veritatem, ad timorem et amorem Dei, ad virtutem et sanctitatem perducant. Sane non ignoramus, quot et quantae hodie obstant difficultates, quominus, quae commendavimus, brevi tempore et perfecte compleantur; at certum habemus Ecclesiarum Praesules et Religionum Moderatores, animis neutiquam fractis,

nulli rei defuturos esse, ut Divinarum Litterarum studium et amor inter Clericos ac sacerdotes omnes novo floreat vigore atque in eorum animis et muneribus uberrimos ferant vitae et gratiae fructus.

Hanc autem Instructionem Ssm Dominus Noster Pius PP. XII, in audientia die 13 Maii a. 1950 infrascripto Rev^{mo} Consultori ab Actis benigne concessa, approbavit et publici iuris fieri mandavit.

Romae, die 13 Maii a. 1950.

ATHANASIUS MILLER, O.S.B., *Consultor ab Actis*.

This Instruction has already been the object of brief commentaries in the *Revue Biblique* for 1 January, 1951 (pp. 92-3), and *Biblica*, Vol. 32, fasc. 1, 1951 (pp. 130-31). Evidently it is, in essence, a more detailed application of some of the rules laid down by the present Holy Father in his great encyclical on Biblical Studies, *Divino Afflante Spiritu*, of 30 September, 1943. It is by now no secret that the Instruction has been in preparation for a considerable time. It may be compared with some other Roman documents that have preceded it, notably *Providentissimus Deus* (18 November, 1893) and Pius X's Apostolic Letter *Quoniam in Re Biblica* of 27 March, 1906. To all three of these documents frequent reference is made in the course of the Instruction. Its aim is principally to develop the teaching of *Divino Afflante Spiritu* in regard to seminaries and religious houses of men in which biblical studies "tradi nequeunt illa amplitudine qua in Facultatibus theologicis et Institutis peculiaribus proponuntur". Hence the title: "De Scriptura sacra in clericorum seminariis et religiosorum collegiis recte docenda." It is clearly divided into three parts, treating respectively of the professor of Scripture, of the method of teaching the Bible, and of certain *Consilia et Normae*, of which there are eight in all.

As regards the Scripture professor, it is laid down that he must be properly qualified and, in accordance with the *Motu proprio* of 27 April, 1924, he must be at least a Bachelor in Holy Scripture. He is reminded that his specialist course in Scripture will have given him little more than a bird's eye view of the subject, and that he will need to deepen his knowledge by unremitting study, by keeping in touch with the latest books and periodicals, and, wherever this is practicable, by visiting the Holy Land. In order that he may be free to devote his whole time to Holy Scripture, he should not be obliged to teach any other major subject; this is explained in terms of Canon 1366 §3, which calls for separate professors for the more important chairs (Dogmatic and Moral Theology, Holy Scripture, and Church History).

The second division, on the manner of teaching Holy Scripture, reminds the professor that it is his business to give his students what the latest Encyclical styles "a practical and enduring love of Sacred Scripture" throughout their seminary course. To this end he must by all possible means encourage a daily reading of the Bible, must aim at teaching his subject "scientifically and solidly and completely" and must pay special attention to the doctrinal content of the books and to their spiritual value. The course of General Introduction is to lay particular stress upon the doctrine of inspiration and the laws of interpretation. In dealing, in the course of Special Introduction, with the individual books, he is to explain the content, purpose, authorship, and date of the books, and is not to make a show of erudition or delay over points of minor importance. In the course of exegesis the professor will select, above all, those passages which define and declare the doctrine of the Biblical writings. In the Old Testament he will study with special diligence the beginnings of humanity, the Messianic prophecies, and the Psalms. In the New Testament he must take particular note of all that bears upon our Lord's Life, and should develop more fully at least those passages in the Epistles and Gospels that are read in church on Sundays and feast-days. He should also comment on the history of the Passion and Resurrection, and on at least one of St. Paul's epistles in its entirety, not neglecting those passages in the remaining epistles which have a bearing on doctrine. His first aim will be to expound and establish the literal sense, but he must not overlook the spiritual sense, so dear to the Fathers and the other great interpreters in the Catholic tradition, and he must face difficulties and obscurities with honesty and courage. His aim is not to train specialists, but to prepare future priests and apostles by showing them how profound an influence the devout study of Scripture will have upon their future lives and ministries.

The *Consilia et Normae* may be noticed more briefly. They concern: (1) The provision of an adequate Biblical library, containing a good proportion of the books that neither the professor nor his students could afford to buy for themselves. (2) The private library to be possessed by all students, if they are to supplement effectively their reading of the Bible itself, and of the class-manuals. (3) The provision that should be made for freeing the Scripture professor from unnecessary cares and anxieties, so that he may make Holy Scripture his life study. Where numbers justify the arrangement, there should be separate professors for the two Testaments. (4) The selection of students who may be asked to follow an optional course in the Biblical languages, archaeology, and the like. (5) These stu-

dents who show special aptitude, and who are to be encouraged to prepare themselves for higher studies. Mention is made of the learning of modern languages, and of the reading of books on Biblical history, the lives of Christ and His Apostles, and journeyings and pilgrimages in Palestine. (6) The need for guiding and stimulating the students' daily reading of Scripture. (7) The preparation by the students of sermons and homilies on Biblical topics. (8) The continuation of Scriptural studies after ordination by means of examinations for the junior clergy and of papers to be read at the rural-decanal conferences.

The Instruction ends with an appeal to Bishops and superiors of religious orders to carry out the wishes of the Holy See, for the common good and for the better training and sanctification of the Catholic clergy "*ut Divinarum Litterarum studium et amor inter Clericos ac sacerdotes omnes novo floreant vigore atque in eorum animis et muneribus uberrimos ferant vitae et gratiae fructus*".

J. M. T. B.

CANONICAL INSTITUTION

SACRA CONGREGATIO CONCILII

DECRETUM

DE ECCLESIASTICIS OFFICIIS ET BENEFICIIS CANONICE INSTITUENDIS SEU PROVIDENDIS. (*A.A.S.*, 1950, XLII, p. 601).

Catholica Ecclesia, ex ipsius Christi institutione est perfecta Societas hierarchice constituta, cuius plenum et supremum regimen ac iurisdictio est penes Romanum Pontificem, beati Petri Apostoli in primatu successorem. Quapropter nemo in ecclesiastica officia et beneficia se immitti nec alios immittere praesumere potest, sine legitima canonica institutione seu provisione.

Genuinam de hac re iuris canonici normam iam relegebat prima regula iuris in VI: "*Beneficium ecclesiasticum non potest licite sine institutione canonica obtineri*". Et Concilium Tridentinum decrevit: "*eos, qui tantummodo a populo aut saeculari potestate ac magistratu vocati et instituti ad haec ministeria exercenda adscendunt, et qui ea propria temeritate sibi sumunt, omnes non Ecclesiae ministros sed fures et latrones, per ostium non ingressos, habendos esse*" (cap. IV, sess. XXIII de reform.). Quin imo eadem sancta Synodus definivit: "*Si quis dixerit . . . eos qui nec ab ecclesiastica et canonica potestate rite ordinati nec missi sunt, sed aliunde veniunt, legitimos*

esse verbi et Sacramentorum ministros, anathema sit" (Ibid. can. VII; cfr. quoque Syllab. Pii Pp. IX, n. 50).

Praeterea haec eadem principia sanxit Codex iuris canonici, statutis quoque poenis contra transgressores (cfr. cc. 2331, § 2; 2334, 1°-2°; 147, § 1-2; 332, § 1, 2394).

Ad eadem sacrosanta principia magis sarta tectaque servanda, simulque ad praecavendos abusus in re tanti momenti, Sanctissimus Dominus Noster Pius Pp. XII statuere dignatus est:

In excommunicationem speciali modo Sedi Apostolicae reservatam ipso facto incurrunt:

(1) qui contra legitimas ecclesiasticas Auctoritates machinantur aut earum potestatem quomodocumque conantur subvertere;

(2) qui ecclesiasticum officium vel beneficium vel dignitatem sine institutione vel provisione canonica, ad normam sacrorum Canonum facta, occupat vel in eadem sinit illegitime immitti, vel eadem retinet;

(3) qui in criminibus nn. 1 et 2 declaratis quovis modo, directe vel indirecte, partem habent.

Quibusvis non obstantibus, etiam speciali mentione dignis.

Datum Romae, die 29 Iunii 1950.

I. Card. BRUNO, *Praefectus*.

THE HIERARCHY IN SOUTH AFRICA

(Broadcast Message of Pope Plus XII to South Africa, 29 April, 1951.

L'Osservatore Romano, 30 April, 1951)

In the liturgical office of today, the fifth Sunday after Easter, holy Mother Church recalls the opening chapter of a letter that St Peter wrote to the faithful of Pontus, Galatia, Cappadocia, Asia and Bithynia. How the great soul of that Prince of the Apostles must have thrilled with consolation and a just pride as he contemplated the rapid spread of the Gospel of his divine and loved Master! Did his thoughts go back to those peaceful days of Capharnaum and the lake of Galilee, when Jesus told him and his fellow fishermen to launch out into deep water and let down the nets for a catch; and they took a great quantity of fish, so that the net was near breaking (Luc. v, 4-6). "Then Jesus said to Peter: Do not be afraid; henceforth thou shalt be a fisher of men" (ibid. 10). Did he remember his first sermon preached in Jerusalem shortly after the resurrection of Christ? "About three thousand souls were won for the Lord that day" (Acts ii, 41). Now he can address churches flourishing up and

down the countries of Asia and Greece, and his own episcopal See he will establish in Rome, the very centre and heart of the world empire.

Time and again that joy experienced by the first Vicar of Christ has found echo in the hearts of his successors in Rome, when Patrick brought Ireland into the fold of the divine Shepherd, Augustine brought England, Boniface Germany, Cyril and Methodius the nation of the Slavs; and the sheer joy that penetrates Our own soul today is not unlike theirs, as We address you, Venerable Brothers and beloved children gathered to celebrate the erection of the Hierarchy in the Union of South Africa.

Oh, many decades have passed since the Church was established in your vast and rich country; it is almost a century and a half since Mass was first offered in Cape Town, and your revered cathedral of St Mary has witnessed the growth of a hundred years. But today the Church in the Union of South Africa has come of age. Its growth has been steady, solid and secure. Schools are flourishing; you have your Catholic press and seminary; there are hospitals and orphanages for the suffering and needy members of the Body of Christ. All praise to the intrepid missionaries, whose courage and determination despite formidable obstacles and repeated rebuffs have written a glorious page in the annals of South Africa. We cannot refrain from mentioning with a special sense of regard and gratitude the Sisters, native and foreign, who have been of such incalculable assistance to the clergy in the spiritual and corporal works of mercy.

If it is right to look back today and rejoice in the achievements of the past, it is of paramount importance to study prayerfully, with devout and eager zeal the bright vision of limitless progress that unfolds before you. This, We are sure, is the daily concern of your Bishops; and no one will realize more clearly and more emphatically than they that, if the Church in South Africa is to meet the challenge of the future successfully, there must be a marked increase in the number of native clergy. That means that the native Catholic home must be permeated by a strong faith, a high esteem of the priesthood, a consciousness of the exalted privilege and honour that come to any family, when God calls one of its sons to the service of the altar. Parents imbued with such a spirit will not be wanting in generosity to give of their best to the Lord of the harvest, whose loving heart grieves for lack of helpers to gather it in. When the Church is served and governed by priests and bishops of your own nation, thoroughly trained in the sacred sciences and deeply grounded in the spiritual life, then will the hopes and prayers of the early missionaries be fulfilled; then their long years of toil and sacri-

fice amid perils and privations, will have received recompense a hundredfold.

That God, in His boundless love for the Church in South Africa, may hasten that day, We raise a fervent prayer to Mary, Queen of the Apostles; while with paternal affection We impart to you, Venerable Brothers, and to your dear flocks, the Apostolic Benediction.

NATIVE CLERGY ON FOREIGN MISSIONS

EXHORTATIO AD CLERUM INDIGENAM

(*A.A.S.*, 1948, XL, p. 374)

PIUS PP. XII

Dilecti Filii, salutem et Apostolicam Benedictionem.—In auspiciando super Ianiculo monte Collegio Sancti Petri, ad excipiendos altiusque excolendos iuvenes sacerdotes indigenas, provide praestituto, pergrata sane exstat opportunitas bene ominantia ac suadentia verba ex animo Nostro paterno effundendi ad universum clerum indigenam, missionarii florem apostolatus, uberes in posterum fructus caelesti ope redditurum.

Sacrae enimvero Missiones, laborioso ac diuturno Christi praecorum opere, iam multis in locis feliciter excreverunt fereque illud attigere propositum, quod earum proprium est, Ecclesiam videlicet in novis terris constabiliendi, ita ut, radicibus ibi alte defixis, ipsa per se, sine exteriorum sacerdotum adminiculis, prospere vivat libereque explicetur.

Quo quidem felici eventu animi praesertim indigenarum clericorum fideliumque exstimulantur ad gratiam agendam habendamque exteris missionariis, qui tantae caritatis industria, usque ad sanguinis effusionem haud raro prolatae, laeta admodum messium tempora apparaverunt: "In hoc enim est verbum verum: quia alius est qui seminat et alius est qui metit . . . alii laboraverunt et vos in laborem eorum introistis."¹

Quibus autem condicionibus recentes Ecclesiae surculi florescere et luxuriare fecunde poterunt? Has quidem praecipuas condiciones placet Nobis breviter attingere.

In primis necessaria omnino est sanctimoniae propriae et alienae salutis cupido flagrans. Illud profecto, quod hominem cum Deo

¹ Ioann., iv, 36-38.

coniungat atque non indignum efficiat misericordiae eius administrum, est vitae morumque sanctitas, quae sine divinae gratiae munere obtineri nequit. Animarum autem studium fructusque apostolatus ad irritum revolvuntur, nisi bona hominis voluntas atque industria adiuvatur ac roboratur praestanti Dei auxilio: "Neque qui plantat est aliquid, neque qui rigat, sed qui incrementum dat, Deus."¹

Itaque, Dilecti Filii, ad graves sacerdotum virtutes acquirendas alendasque sedulo incumbite, aeternarum rerum meditationi atque ad Deum precationi quotidianam tribuite operam, sacrorum piorumque librorum lectioni frequenter attendite, sub noctem, antequam somnus obrepat, vitam vestram diligenti discussione examine, ut quantum profeceritis vel quantum defeceritis plane agnoscatis. Si sacratis veterum ethnicorum legibus a sacerdotibus quaedam sanctitudo postulabatur, ut apud Ciceronem scriptum videmus: "Ad divos adeunto caste, pietatem adhibento. . . . Qui secus faxit, deus ipse vindex erit";² quanto maior sanctitas requiritur a ministris Christi in praecellenti sacrificio, quod perenni virtute pro mundi vita innovatur?

At non sibi soli vivendum sancte sacerdoti; ipse est enim operarius, quem Christus conduxit in vineam suam. Iam vero sanctimoniae propriae studium, si recte sentiatur, non erit sane impedimentum ad omnes vestri ministerii partes obeundas, immo validissimum exstabit subsidium atque incitamentum. Vos igitur, quo clarioribus ornati eritis virtutibus, quo impensiore accensi penitus caritate, eo magis eritis, sicut primi apostoli, potentes opere et sermone.

Hac persuasione moti, officiis vestris alacres fungimini: cuiusmodi sunt verbum Dei nuntiare, ignaros fidei erudire, confessiones rite excipere, adesse infirmis praesertim morituris, moerentes solari, fulcire labantes, ad bonam frugem errantes reducere. Quare sacro ministerio vestro multum proderit vobis divinae humanaeque doctrinae copia; neque parvo adiumento erit cognitio quoque sermonis morumque populorum, quos ad praescripta evangelica informare debetis, itemque diuturna quidem experientia, qua pollent religiosi exterorum institutorum sodales, qui apud vos versantur, participes sane et consortes vestri eiusdem laboris ad regnum Dei in orbe amplificandum: "O magna et inclyta Dei instrumenta Sacerdotes, a quibus omnis populorum pendet beatitudo!"³

Praeterea illud fixum immotumque esto animis vestris, Dilecti Filii, sanctimoniam uniuscuiusque vitae atque apostolatus efficaciam

¹ I Cor. iii, 7.

² Leg., II, 8.

³ S. Carolus Borr., in Syn. I, Concio I.

niti et sustineri, tamquam solido fundamento, in constanti fidelique sacrae hierarchiae observantia. Vos enim, si Episcopis vestris caritatis et obedientiae vinculis arcte devincti eritis, etiam inconcussae Petri Cathedrae, super qua Ecclesia universa consistit, firmiter perpetuoque adhaerebitis. Nulla profecto vita, sive physica sive moralis, concipi potest sine quadam unitate. Iamvero usque ab Ecclesiae exordiis Sanctus Cyprianus scripsit: "Deus unus et Christus unus et una Ecclesia et cathedra una super Petrum Domini voce fundata. Aliud altare constitui et sacerdotium novum fieri, praeter unum altare et unum sacerdotium, non potest. Quisquis alibi collegerit, spargit".¹ Nullus autem exercitus sine imperii unitate, sine disciplina, non modo consequi victoriam, sed ne stare quidem potest: brevi ipse dissolvitur atque certa obruitur ruina. Vos itaque catholicae Ecclesiae militiae quidam estis manipuli: si amore et fidelitate cum Ecclesia Romana coniuncti eritis, si cum Apostolica hac Sede constanter sentietis, intrepidi semper stabitis, atque inter tot labores, asperitates et pericula, proelia Domini in prima acie praeliantes nunquam fiducia aut virtute deficietis.

Estote igitur, Dilecti Filii, per terrarum orbem disseminati, splendidum Ecclesiae unius et universae documentum; contendite totis viribus ac satagite, ut ipsi, altissima conscientia officiorum vestrorum permoti, vere sitis lucernae ardentes, ex quibus virtutum omnium lumen in christianum populum effundatur.

Ut Nostrae huic expectationi plane respondeatis et omnia prospera pro communibus votis eveniant, vobis singulis omnibus, Dilecti Filii, Apostolicam Benedictionem, divinae auspicem gratiae Nostrique animi testem, paterna in Domino caritate impertimus.

Datum Romae apud Sanctum Petrum, die xxviii mensis Iunii, in pervigilio festi Sanctorum Petri et Pauli Apostolorum, anno MDCCCXXXVIII, Pontificatus Nostri decimo.

PIUS PP. XII

BOOK REVIEWS

The Holy See and the Irish Movement for the Repeal of the Union with England, 1829-1847. By John F. Broderick, S.J. (Gregorian University, Rome. 16s.)

FATHER BRODERICK is an American Jesuit who has been searching the unexplored archives of the Foreign Office and of the Holy See, concerning this extremely important phase of relations between the British Government and the Vatican. He has produced a mass of most interesting documents, many of which are hitherto unknown. His book runs to nearly 250 pages, and consists partly of a close study of the participation or otherwise of the Irish bishops and clergy in the Repeal movement; and partly of the communications which were constantly in progress between the British Government and the Holy See with a view to discouraging popular agitation in Ireland.

On the broad issue of Repeal, it may be said that most of the Irish bishops supported O'Connell vigorously. They attended his meetings, subscribed openly to his funds, and encouraged their clergy to do likewise. The Holy See appears to have avoided any formal expression of opinion as to whether Repeal of the Act of Union was desirable or not. But it did at intervals issue strong warnings that revolutionary doctrines should be denounced, and that the clergy ought to refrain from identifying themselves with any political party. Most of the Irish bishops took the view that the agitation for a national self-government was not a party question, and that it did not involve any subversive doctrine. Archbishop MacHale was in many respects the most important collaborator in O'Connell's attempts to revive the Repeal agitation after 1840, and once it gathered momentum, most of the bishops supported it strongly. Bishop Doyle, on the other hand, who had been O'Connell's most influential supporter during the agitation for Catholic rights, did not believe in Repeal; and some of the more conservative bishops kept aloof throughout.

The chief practical question, apart from general sympathy with O'Connell's agitation, was the use of Catholic churches for political meetings. During the Catholic agitation, meetings had been held everywhere in churches, and the clergy had preached openly in its support. But after Emancipation there was a determined effort to forbid the use of religious buildings for political purposes, and some of the bishops tried hard to prevent the holding of meetings on the ground surrounding the churches. In many places the church was

the only hall available, and the old practice continued for a long time in spite of protests; and the British Government made constant approaches to the Holy See to ask that the practice should be stopped.

In making such complaints to the Holy See, the Government was greatly hampered by the lack of any direct channel of communication. Wellington states plainly, in letters which Father Broderick quotes here, that he was aware that diplomatic relations with the Vatican would be treasonable. But the British Minister to Tuscany, who was stationed in Florence, had an agent in Rome, and through him a frequent correspondence was maintained. For most of the period the agent was Thomas Aubin, whose letters and reports figure largely in this book. He was succeeded by William Petre, whose family connections gave him access to Catholic circles in Rome. Of him Lord Aberdeen wrote on his appointment: "I apprehend that William Petre is a man whom we may trust politically, just because he is so little of a Catholic in reality. His being one nominally and according to outward appearance, has certainly made his nomination very agreeable to the Court of Rome."

The correspondence and reports of these agents in Rome are fascinating. They had access to Cardinals and other dignitaries who were willing to listen to their complaints or requests, and then reported what seemed feasible. Most of the questions which arose concerned the filling of vacant Irish sees. Again and again they would receive instructions that certain candidates recommended for episcopacy must be opposed. Their requests were treated with respect, because the Holy See often needed British support in other places, as in Malta, or in Portugal, where the Church was in difficulties with anti-clerical movements. Moreover, Austria was keenly concerned to suppress democratic movements all over Europe; and Metternich was well aware that O'Connell had gained wide influence on the Continent as the author of popular agitation by constitutional means. Metternich followed Irish politics closely, and he repeatedly urged Palmerston or Aberdeen to insist at Rome that the Irish bishops and clergy should be restrained from political agitation.

Father Broderick's documentary evidence gives a picture of constant diplomatic finesse, with the British and Austrian Governments exerting pressure to restrain the popular movement in Ireland while promising to assist the Holy See in other directions. The Holy See frequently did make concessions, at least to the extent of refusing to appoint a candidate who was specially obnoxious to the British Government, but it never allowed these requests to create a right to interfere. The most remarkable case was the nomination of Arch-

bishop MacHale to Tuam. Aubin actually reported to London that MacHale's appointment had been prevented, and that he had received firm promises. But the Pope himself suddenly intervened, on the grounds that he could not tolerate the exercise of a veto, and that he had received so many strong recommendations in favour of MacHale.

But the most curious revelation concerns Cardinal Weld, who became the first English Cardinal in Curia, soon after the Emancipation Act had been passed in 1829. Father Broderick is apparently unaware of the full implications of the remarkable letter from the Duke of Wellington which he publishes. Emancipation had been granted without requiring the veto upon episcopal appointments which had been demanded for so long. But within six months after the Emancipation Act the see of Waterford fell vacant. Wellington learned that Dr Foran, who was recommended as *dignissimus*, was likely to be troublesome politically. He therefore wrote to Lord Burghersh, who had recently been on a special mission in Rome, that Foran's appointment must be opposed. Ignoring the other two names submitted by the diocesan clergy, he wrote as follows: "The person who has been suggested to me is Bishop Weld, Coadjutor of Canada. This gentleman, who is connected with some of the best families in this country, would be of great service to Ireland. I shall be very much obliged to you if you will lose no time in exerting all your private influence in Rome to have this appointment made."

It may be assumed that Bishop Weld would have been as much astonished and distressed by such an appointment as the clergy of Waterford would have been. He was an elderly widower when he was ordained as a priest; and soon afterwards he was made a bishop, resident in Rome, and under no obligation to visit Canada. His only experience as a priest in England was, I believe, a short period at St Mary's in Chelsea. It has always been a mystery that he was appointed a Cardinal, to act as the Pope's special adviser on English affairs. The usual explanation is simply that his father, Thomas Weld of Lulworth, had been a personal friend of George III, and that his eldest brother had been the first husband of Mrs. Fitzherbert. His choice was therefore likely to please the Royal Family; and the Pope desired to make a gesture of gratitude for the Emancipation Act. But the Duke of Wellington's letter throws a new light on the problem. The Holy See politely explained that it could not depart from the practice of selecting a candidate submitted by the Irish clergy, but it agreed to rule out Dr Foran, to whom Wellington particularly objected. And Cardinal Albani concluded his letter to Lord Burghersh by announcing that "I must not conceal from Your

Excellency that His Holiness, desiring to show to Msgr Weld the pleasure he has felt at the obvious confidence reposed in him by his Government, intends to see him and give him proofs of his Pontifical consideration." The sequel was Bishop Weld's appointment as a Cardinal a few months later. Wellington could not object to this new honour for the bishop whom he had praised himself. And the Holy See thus created an invaluable link for direct communication with London.

Newman's University. Ideal and Reality. By Fergal McGrath, S.J. (Longmans. 30s. net.)

NEXT year will bring the centenary of Newman's University in Dublin; and this really masterly book has been written after years of intensive research among unpublished and published sources, to give a full and balanced account of what Newman attempted to do, and of the conditions under which the experiment had to be given up. The book is most readably written, but Father McGrath has compressed within some 500 pages an immense amount of new documentation and study. It will be indispensable to all serious students of Newman's life and times; and it also provides an admirably clear exposition of Newman's ideas of what a Catholic University ought to be, and of his remarkably practical work as an administrator.

Newman's attempt to found the University is generally regarded as of the many abortive enterprises which created an impression that Newman never found proper scope as a Catholic. Most people think of it as one of his "tragic failures", in which he was given an impossible task, and then left without proper means to carry out his commission. The Irish bishops invited him to found the Catholic University in Dublin, and undoubtedly they did not give him the united support for which he had hoped; just as the English Hierarchy commissioned him to undertake a new translation of the Bible, and then failed to provide the necessary financial assistance, so that the work had to be discontinued. But whereas the translation of the Bible was soon abandoned, the Catholic University actually came into being; and it was during his brief term as rector of the University that Newman composed the famous discourses on university education, and published the many other essays on university questions, which have since been an inspiration and a guide to Catholics in all countries, and have profoundly influenced all subsequent approaches to university development.

In the first section of this book Father McGrath gives the first adequate survey of the very complicated background to the University project. The Irish Hierarchy had found it necessary to con-

demn the new Queen's Colleges in Cork and Galway, which Sir Robert Peel had founded, ostensibly to satisfy the demand for higher education for the Catholic people. The Queen's Colleges strictly forbade any religious teaching, and the Government appointed all professors. That meant in practice that four-fifths of them were Protestants and many were openly anti-Catholic. Having denounced the new Colleges, the Irish bishops considered that they should provide an alternative; and the recent success of the modern Catholic University at Louvain had shown what could be done in a Catholic country. Newman had outstanding qualifications for the rectorship; and though he had been recently commissioned to found his new Oratory in Birmingham, the Pope gave active approval to the suggestion that he should combine the two offices. The Irish bishops knew how limited their own resources must be; and also that the number of potential students or qualified teachers in Ireland would be inadequate. They therefore visualized a Catholic University in Dublin which should attract students from all English-speaking countries, including America. But they had no experience in such matters, and they assumed that Newman would provide the framework under their direction.

Acting under strong encouragement from the Pope, and at the express invitation of the Irish Hierarchy, Newman accepted the rectorship on that general basis. He hoped to found another Louvain in Dublin for all English-speaking Catholics, and he relied chiefly upon his intimate knowledge of Oxford in making his plans. He knew nothing whatever about Ireland, and wisely did not allow current difficulties to distort his ideas. He said repeatedly that he had no gift for ruling, and had never occupied any position of authority. If his ideas were approved, he would do his utmost to put them into practice. All that he could attempt was to make a start, and let the University develop as it grew. The story of his efforts is a marvel of courage and serenity in face of constant frustrations. Father McGrath shows, for instance, how the famous Dublin lectures were composed while the Achilli trial was in preparation, and he was beset with legal problems and trying to collect witnesses to defend his case. It became increasingly probable that he would be sent to prison.

In Ireland he was aware that there was strong opposition to the whole project. Some of the most important Irish bishops, including Archbishops Murray and Crolly in Dublin and Armagh, had tried earnestly to produce a compromise which would have made the Queen's Colleges workable. Dr Murray was so averse to the Catholic University, that Newman became convinced that it could never have been started in Dublin if he had lived. When Dr Cullen

was appointed, first to Armagh and then to Dublin, the prospects improved greatly; because Cullen had been a vigorous opponent of the Queen's Colleges, and both Murray and Crolly died before the University began its work. But other difficulties arose in Ireland when Dr MacHale of Tuam, who had been the chief instigator of the demand for a Catholic University, insisted that Newman must not take any decisions without direct sanction from the bishops. His selection of professors was overruled, he was denied any control of finance, and before long there was a definite party opposed to Newman in the belief that he was trying to anglicize the new University.

Father McGrath shows how unfounded those accusations were. On the contrary, Newman himself wrote that it was the English Catholics who failed him most, by giving no support either in sending students or in subscribing to the funds, which could only be maintained by parish collections in the Irish churches during years of acute economic distress. Very few Irish students could have been expected, even at best; and the Government would not even give a Charter to confer degrees, without which the University was of no benefit to professional men. Yet, in spite of all difficulties Newman proceeded without complaining, and with inexhaustible patience. He acquired buildings which are still in use, including particularly the Medical School which has developed immensely. The two magnificent Georgian houses which he bought in Stephens Green were eventually handed over to the Jesuits, when the University had become a shadow during the years after Newman's departure. They have recently been redecorated and renamed as Newman House, and are now the social focus for a University College of some 3000 students, which rightly venerates Newman's name and is preparing to celebrate the centenary of his foundation.

As a study of Newman's character, and of his superb gifts both as an administrator and as a university founder, Father McGrath's book will be a delight to all students of his life. And to all who are concerned with higher education it presents an admirably full and clear conspectus of Newman's thought and wide experience. Father McGrath has had the great advantage of being allowed full use of the immense collections of Newman's letters which have been assembled and arranged in Birmingham by Father Henry Tristram. He has also had access to the previously unknown correspondence of Dr Woodlock, who succeeded Newman as rector for some fifteen years and corresponded constantly with him on university problems. Many other archives and collections of letters, besides the whole range of literature which has been already published concerning

Newman, have been fully explored and put to use. The book abounds in explanatory footnotes and references to other sources. It is written mainly from Newman's standpoint, but it takes full account of the views and statements of those who disagreed with him.

D. G.

Catholic London. By Douglas Newton. Pp. viii + 348. (Robert Hale. 21s. net.)

THAT excellent Catholic and most genial of men, the late Douglas Newton, faced a formidable undertaking when he prepared an outline of the long story of Catholic London from *Restitutus* to Wiseman. Confining himself to the area between the Tower and Tyburn and between Clerkenwell and Southwark, he has related as fully as practicable in a single volume the intricate story of the mediæval City churches, the tragic vicissitudes of the Reformation and the long dark night of the Penal Times up to the dawn of Emancipation and the signs of the Second Spring. Disclaiming any historical, antiquarian or architectural competence, the lamented author has offered it as a general record of things that Catholics should know and remember; it is dedicated, most fittingly, to the late Bishop Bernard Ward, and the late Canon Edwin Burton and all Edmundians, and it is commended in a foreword by H. E. Cardinal Griffin.

Those who remember Bishop Ward and Canon Edwin Burton will not doubt that Newton is at his best in those portions of the field and those periods of the narrative where he has relied most upon his learned and industrious predecessors. It may be said at once that the chapters on Challoner, the Embassy Chapels, old Moorfields, St. Giles's and St. Patrick's are the most satisfactory things in the book. The whole work bears witness in every part to the writer's intense devotion to the English Martyrs. At every place the martyr who suffered there is commemorated precisely, the name, the date, and nearly always some detail. Nor is the author content with marking the executions. The Tower and the tortures loom very large indeed in the sombre narrative; and he is not at all disposed to soften the impact on our sensibilities of this ghastly subject. Likewise the almost equally horrible story of the prisons: the Tower, Newgate, the Marshalsea, the Clink and so on; the imagination of the reader is not spared: the rats, the vermin, the stench, the semi-starvation. For Catholics it is all of it a deeply impressive lesson in constancy; and indeed perusal of this book might induce some non-Catholic journalists to have less to say about the Bastille or the dungeons of the Inquisition.

The immense mass of facts calls for much accuracy and particularly for a careful revision which, unfortunately, was rendered impossible by the sudden and untimely death of the author. Otherwise, he would doubtless have wasted no space on the "Syrian damsel" legend about Becket or on the Italian bishops of Worcester, nor would he have been content to refer Catholics to the guide-books issued at Westminster Abbey; those manuals, admirable as they are in their own way, were not written for the information of Catholics. When the second edition of this work is prepared—as we trust it will be, before long—a number of errors in names of persons and places can easily be eliminated and the index improved. Some of these misprints do not matter very much, e.g. Avaranches for Avranches, Parvia for Pavia, Thornby Abbey for Thorney, and the like. But well-known figures are disguised by misspellings: Sir Thomas Wriothesley, who was the first Earl of Southampton and Henry VIII's last Lord Chancellor, appears as Wrotherley; Richard Pate or Pates, Henry VIII's very active ambassador, whom Holbein is said to have depicted in the National Gallery picture of that name, who was at the Council of Trent and who was the last bishop of Worcester, appears as Pares; Condell, of the First Folio, appears as Cordell; the Abbé Caron appears as Charron. A whole line referring to the Bl. Thomas Pormort (+ 20 February, 1592) has been dropped out on p. 89 and wrongly replaced. Something seems to have gone wrong with the paragraph on p. 120 about the Archbishop of Canterbury's Court held at Bow Church, Cheapside: it was his Vicar-General, the judge of that court, who was and still is styled Dean of the Arches, not the Archbishop himself, and there was of course an appeal to the Pope from *every* ecclesiastical court. The prisoner who carved the same rhymed inscription in the Bell Tower and the Beauchamp Tower was identified long ago by the late Dr W. H. Grattan Flood. He was Thomas Maidh O'More, a relative of the chieftain Rory O'More, brought over from Ireland for complicity in a rebellion. Two reports from the Lieutenant of the Tower (March 1581) testify that the man was so resolute that the torture of Skevington's irons got nothing out of him. And in relating the rescue of the noble church of Saint Bartholomew the Great from degradation it should in justice be stated that that long and arduous crusade was the life-work of the late E. A. Webb, brother of the late Sir Aston Webb and father of Professor Geoffrey Webb. Edward Webb eventually became a Catholic, late in life, and was received in 1928.

The volume is very well produced and there are thirty-three excellent full-page illustrations.

J. J. D.

The Adoption Act, 1950, and Orders. Edited, with an introduction, annotations and a complete index, by S. Seuffert of the Middle Temple and South-Eastern Circuit, Barrister-at-Law. (Eyre & Spottiswood. 16s.)

ADOPTIONS in England, prior to 1926, lacked stability. The child did not become the adopters' own and might be re-claimed by the natural parents. The natural parent felt not less insecure than the adoptive parents, since his informal consent did not release him from liability in law to maintain his child. The Adoption of Children Act, 1926, did away with this double sense of insecurity. The Adoption of Children (Regulation) Act, 1939, was designed to make up what was lacking to the 1926 Act. Under the 1926 and 1939 Acts adopters were uneasy that the natural mother of the child knew who they were and where they lived. They were also upset that the child did not become their next-of-kin but remained the next-of-kin of his natural parent for the purposes of inheritance. By the same token marriage between an adopter and an adopted child was possible. These anomalies disappeared by the 1949 Adoption of Children Act.

Registered adoption societies had long noted a discrepancy that had existed between adoptions arranged by them and adoptions brought about by direct contact of the natural mother with adopters. The great care taken by the societies in their placements was not necessarily taken by a natural parent, only too anxious often enough to be rid of her child, and unhappy adoptions and adoptions for unworthy motives could all too easily be arranged. They were glad therefore, that by the 1949 Act the same trial period of at least three months with adequate supervision by the local Welfare Authority was imposed on all types of adoption.

Mr Seuffert's preface shows how the 1950 Act consolidates and clarifies its three predecessors. He has incorporated into this volume the text of the 1950 Act, together with the rules and regulations made to facilitate the workings of the other Acts, here brought up to date and into harmony with the present one. His notes are clear and precise, and cross references, inevitable in a book of this type, have been considerably and commendably reduced by reprinting the definitions of terms, where the same terms recur in different sections of the Act.

The consent of the parent or guardian of a child is normally essential to the child's adoption. The Act [Sect. 3 (a)] provides, however, that the Court may dispense with it, "in the case of a parent or guardian of the infant, that he has abandoned, neglected or persistently ill-treated the infant". Mr. Seuffert's note to this paragraph is of interest to those whose first concern is the child's

faith: "a parent who has abandoned the child might still be justified in withholding consent subject to a condition that the child be brought up in the religion of its parent."

The Act [Sect. 10 (3)] tells us, that "an adopter and the person whom he has been authorized to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity". The prohibition "shall continue to have effect notwithstanding that some person other than the adopter is authorized by subsequent order to adopt the same infant". Mr Seuffert observes that more naturally the relationship would seem to be one of affinity. A marriage between an adopter and his adopted child solemnized before 1 January, 1951, is not invalidated by the present law. The prohibition will no doubt be noted by canon lawyers since the Code of Canon Law deems unlawful or invalid such a marriage where the civil law so deems it (cf. can. 1059 and 1080).

In this very welcome volume there is only one point where I noted that a correction ought to be made. The version of the memorandum (p. 75) to be given by adoption societies to every parent or guardian who proposes to place a child at the disposition of a society for adoption is now superseded by a more recent version. This book, no doubt, was printed when the new memorandum was issued. Its complete statement of present adoption law and practice, its authoritative commentary and well-planned index make it most useful for the adoption society's secretary to have on his desk.

G. P. D.

Il Santo Sepolcro di Gerusalemme. Splendori—Miserie—Speranze. 158 pp. with 91 figures in the text and XXX plates outside the text. (Italian Institute of Graphic Arts. Bergamo [Italy]. 1949. No price.)

Few pilgrims to Palestine have failed to be scandalized by the chaos which reigns in the most sacred of Christian shrines, the Church of the Holy Sepulchre in Jerusalem. Divided as it is among five different Christian communities, each understandably jealous of the rights it has acquired by fair means or foul through the ages, the basilica is a bewildering warren of over-decorated chapels and overcrowded living quarters, hideous with the elaborate candlesticks, hanging lamps and tasteless oleographs which stake out the various claims. All traffic (monks, pilgrims, tradesmen) has to pass through the one door of the basilica, which two Mohammedan families have for the last 700 years had the sole right to open and close. In winter the floors are covered by pools of water which the inadequate draining system

cannot deal with. At the times of sacred services the confusion becomes indescribable, as Latin, Greek, Armenian, Coptic and Syrian pilgrims shout out their various chants and ring their countless bells in an effort to make themselves heard.

During the last century the misery of this venerable sanctuary has become even more deplorable. Paralysed by a pernicious Turkish decree of 1852, which demanded that the *status quo* be maintained and nothing be changed, the basilica has been slowly falling to pieces. Any desire to check the dilapidation has been vitiated by the equally pernicious conviction of the communities that repair constitutes a right to possession. Since the history of the basilica shows that many of the present possessions were originally usurpations, it is understandable that the injured parties are loth to come to any agreement on this matter. The severe earthquake of 1927 and the accidental firing of the cupola in 1949 have rendered the basilica almost beyond repair. While Palestine was a British Mandate some attempt was made to preserve the building with the steel girders which now prop up the façade, the rotunda and the Holy Sepulchre shrine; but these have already twice had to be reinforced so that the walls they support have been almost entirely obscured, and even now another earthquake (and Palestine is very much subject to them) might bring the whole building down in complete ruin.

With considerable initiative, the Apostolic Delegate to Jerusalem and Palestine, Archbishop Testa, proposed a scheme in 1938 to dismantle the present building, clear a further area of about ten acres around, and erect a vast new basilica to house the Holy Sepulchre and such parts of the present building as are of historical importance, a basilica which would stand in its own grounds and be surrounded by adequate hospices and monasteries for the use of pilgrims and the communities which have charge of the shrine. The scheme was submitted to Fr A. Gori, O.F.M. (the Custodian of the Holy Land), and Fr H. Vincent, O.P. (the celebrated scholar of the *Ecole Biblique* in Jerusalem); and the eminent Italian architects A. Barluzzi and L. Marangoni were entrusted with the delicate task of preparing a detailed design adapted to the many local requirements. This was completed already in 1941. Since the recent war and the upheavals in Palestine have further prevented any effective help being given to the crumbling monument, Mgr Testa wisely decided to publish his plan, so that the Christian world, even if it rejected it, might at least realize the urgent necessity of *something* being done.

His decision coincided fittingly enough with the eighth centenary of the consecration of the basilica, and he has presented us with a

book produced in a luxurious style to which we are no longer accustomed. In a moving preface he outlines himself the problems to be faced and the solution which he proposes. Fr Vincent follows with the evidence for the authenticity of the site and a review of the splendours of the basilica from its beginning to the present day; and here Fr D. Baldi, O.F.M., takes over to point to the present misery of the shrine and the historical circumstances which are slowly bringing it to ruin. The task of expressing the future hopes has been left to the two architects themselves, and after a brief outline of the plan they describe in detail the parts of the newly proposed building. To conclude, Mgr Testa adds some observations on the practical steps which will need to be taken for these hopes to be materialized.

The project itself, as set out in the third part of the text and in the thirty detailed plates, is truly magnificent and proposes a monumental group which is really worthy of its sacred subject. It makes provision not only for the three communities which by long tradition have established rights to the site, but also for the other dissident groups (Copts, Abyssinians, Syrians, Anglicans, Lutherans) which have claim to some consideration, and yet without the confusion and overcrowding which cause such regrettable chaos in the present building. Its style is noble and dignified, and while it derives its inspiration from the plans of the Constantinian basilica which are still extant, it is no mere copy but something entirely original and fresh; above all it is designed to throw into relief the sacred shrines which at present are lost in an obscure labyrinth of bad taste.

The proposed basilica may not appeal to all; but Mgr Testa is anxious to stress that any alternative proposal will be welcome. The practical difficulties involved in its construction (agreement, expropriation, expense, etc.) may be enormous; but Mgr Testa is convinced that sufficient good will can be found to overcome them. The whole project may appear to some to be far too radical for ready acceptance, and a far more limited reconstruction required for a building which in spite of its deformities has acquired a sacredness that is irreplaceable; but Mgr Testa will at least have made it clear that unless *some* reconstruction is made, and soon, we may lose all. For this reason alone, it is most desirable that this book be widely circulated, and even translated (the original is in Italian and French), so that as many Christians as possible may be made aware of the sad state of our most sacred shrine, and of its urgent plea for tolerance, agreement and action.

H. J. RICHARDS

Moral Aspects of Dishonesty in Public Office. By Rev. W. J. King, S.T.L.
Pp. 219.

Catholic Teaching about the Morality of Falsehood. By Rev. J. A. Dorszynski, S.T.L. (Studies in Sacred Theology, nn. 28 and 16. Catholic University of Washington.)

BOTH theses fully justify the modern rule which requires a written dissertation for the doctorate in theology. The somewhat alarming growth of officials in our modern bureaucracies provides Dr King with the opportunity of applying Catholic principles to such matters as appointments to remunerative offices, bribery, graft, customs and other revenues. Fr O'Connell's study entitled *Morals in Politics and Professions*, published in 1946, is the only other book known to us which covers roughly the same ground, and it is useful to have a second opinion on certain topics which, owing to their novelty, are not adequately treated in the moral manuals.

Dr Dorszynski has set about presenting afresh the very ancient problem of the intrinsic nature of lying. From the Augustinian definition "locutio contra mentem", still defended by the majority of theologians, are born the mental reservation and many other devices for preserving secrecy; the modern view, on the other hand, seems to destroy the meaning of veracity. The author, weighing the respective merits of both approaches, and, applying them casuistically to numbers of cases, has succeeded in analysing the views of most of the classical and modern theologians, and his study is a most useful contribution to the subject.

The Oxford Companion to Music. By Dr Percy A. Scholes, M.A., Eighth Edition. Pp. lxi + 1160. (Oxford University Press. £2 2s.)

THE publishers truly affirm that if there can be only one book on music in the library, then it must be this one, now in its eighth edition. It develops the excellent system of putting fresh matter into the appendices, indicating at the same time in the body of the text, either by an asterisk or a dagger, that something additional may be consulted. We are also given some welcome details about the learned author's filing system which enables him to collect and arrange such a vast amount of material. Since the work has not been reviewed before in this journal, many readers will prefer an account of it which is not limited to the differences and improvements in this edition.

We are given biographies of composers and descriptions of their works, including the plots of operas, all in alphabetical order; but a most valuable and distinctive feature is the many articles on the

history of music, the development of musical instruments, and the musical genius of individual groups and nations, all of which likewise are alphabetically arranged. This method, aided by exhaustive cross-references and a large number of illustrations, provides a textbook which is equally acceptable to the professional, the amateur, or the general public. Unlike some indispensable reference works, it is highly entertaining, stylish and stamped with the author's personality. We like especially Dr Scholes's reflections on the infatuation of the British musical profession for slices of the alphabet as decorations, of which there are no fewer than fifty, and their significance has to be examined in the course of the work. If the explanation is that, in this respect, musicians are just a little mad, the sanity of Dr Scholes stands out the more eminently throughout the book. Listen to plainsong enthusiasts talking about rhythm and try to find out from them exactly what it is; they will only wave their hands about and regard the questioner as one who is either deaf or mentally deficient. He will learn, however, from Dr Scholes's article on the subject that since the word is used in several senses, authorities are not agreed on the matter; and that is what the questioner has always suspected.

A large portion of the volume is devoted to church music of various kinds, and the modern portraits include many of interest to Catholics, such as those of Perosi and Terry. As an indication of the work's encyclopaedic character, descriptions of popular items such as the Litany of Loreto may be found therein, as well as scholars' specialities such as the Old Hall manuscript, and an appraisal of the beauties of polyphony as well as of the musical depths to which we sank in this country during the times of the later Vicars Apostolic. It appears from certain articles that, for Dr Scholes, Christians of the West after the Reformation, if they are not Protestants, must be Roman Catholics, and one has to get used to the appellation. Certainly the "Roman Catholic" Queen Mary is preferable to another epithet employed by some writers in referring to that lady, and though we may not like the adjective "Roman" very much, a division between "Roman Catholics" and "Protestants" is quite acceptable when it permits no other kind of hyphenated Catholicism in between. The author holds the balance very fairly in describing the musical attainments of each category: Catholic contemporary musicians are mentioned as aiding him in perfecting the work, and documents such as the *Pian motu proprio* are accurately judged and weighed.

The price is reasonable for a standard work of reference, and it can be recommended to the clergy, including even those with

modest musical tastes, who want to satisfy their curiosity about the pieces which in these days reach us so prodigally from all quarters of the earth.

E. J. M.

GRAMOPHONE RECORDS

Les Chanteurs de Saint-Eustache. Lotti, *Crucifixus*; Gretchaninoff, *Credo*, BZ2041. Vittoria, *O Vos Omnes*, BY3072. Viadana, *Exultate justi*; Theaume, *Regina Coeli*, BY3071. Martin, *Hymne de Serapion*, BY3081. *Action de Graces*, BY3082. (Nixa Record Company. BZ, 12 inch; BY, 10 inch.)

RADIO listeners to foreign stations with a Catholic time allotment may have envied the number and variety of foreign recordings of church music, discs for all practical purposes unobtainable in England except at exorbitant prices. The Nixa Company specializes in distributing foreign discs in England at current rates and their list includes the above items which, with the exception of the *Credo* (H.M.V., C2206), are all newcomers, a judicious selection of ancient and modern ranging from Vittoria (ob. 1611) to the modern compositions of Emile Martin, the conductor of the Saint-Eustache choir. Coupled with Viadana (ob. 1645) is the *Regina Coeli* ascribed to M. Sergeant an Theaume (about whom we can discover nothing), a composition for two soprano soloists sung by boys with a natural relish which is very attractive: the work appears to be of the early eighteenth century. M. Emile Martin's compositions will please those whose interest lies in extremely modern musical developments: they are full of surprises both in the harmonies employed and in the accompanying instrumentation, which includes harp and drums. The more traditionally minded will prefer the three discs listed first above. The second side of *O Vos Omnes* is more successfully recorded than the first, but all three are well worth having, and their recording in a church provides the right echo for this kind of music. The addition of Saint-Eustache to the choirs of the Sistine, Strasbourg, and Dijon, recordings of which have long been obtainable, is most welcome, and we hope that this venture of the Nixa Company will justify importing further similar items from continental sources.

PERMISSU SUPERIORUM

ne
rs

ff,
ul-
de
n-

nt
of
in
es
eir
do
nt
n-
at-
na
an
py
rk
n's
ly
in
n,
ed
of
ee
les
he
of
pe
er

CHURCH AND STATE ABROAD

WHY MGR WYSZYNSKI WENT TO ROME

MONSIGNOR STEFAN WYSZYNSKI, Archbishop of Gniezno and *ad personam* Archbishop of Warsaw, Primate of Poland, left Warsaw for Rome on 3 April, 1951, had the first of a series of audiences with Pope Pius XII on 9 April, and returned to Warsaw early in May. He was accompanied by the Bishop of Lodz, Mgr Michael Klepacz, and by his secretary, Mgr Michael Baraniak.

All through the Holy Year of 1950 not one Bishop from "behind the iron curtain" had been allowed to make a visit to Rome, save only when Cardinal Sapieha went in April of that year. Cardinal Sapieha was given the opportunity by the Warsaw Government only because it was desired that he should be in Rome at the time of the announcement of the Agreement between Church and State signed in Warsaw on 14 April, 1950; and Mgr Wyszynski now was permitted to travel only because the Warsaw Government wanted him to do so, and even, we judge, demanded that he should do so, in the interview which he had with President Bierut on 3 February.¹ The Warsaw Government wanted the Archbishop to go because it wanted to be able to say that he had had every opportunity to ask the Holy Father for an anticipation by the Church of the peace treaty between the Allied Powers and Germany, in integrating into the Polish ecclesiastical structure the administration of the territories transferred from Germany to Poland at the end of the war.²

We give this month, first, a Memorandum sent to the clergy on the Primate's return from Rome; and, secondly, an earlier document, a Pastoral Letter issued by Mgr Wyszynski last November. The Memorandum to the clergy reflects the defensive position into which the Bishops have been manoeuvred, and says, in effect, that the Church cannot be set in contrast with "the workers", going on then to condemn any participation by the clergy in political activities. The latter part, incidentally, is double-edged, not only showing the falsity of allegations that the Church is all the time "plotting against the regime", but also censuring those priests who have allowed themselves to be incited into such Communist organizations as the "Association of Fighters for Independence and Democracy". The Pastoral Letter we print to show, first, how the preoccupation of the Church is all the time with the care of

¹ See the *communiqués* printed in *The Tablet* of 10 March, 1951.

² See *THE CLERGY REVIEW*, December 1950, and January and March 1951.

CHURCH AND STATE ABROAD

souls, and how easy it is to get matters out of proportion when making special studies of the relations of the Church with Governments—for this letter was written just when the crisis with the Government over the Western Territories was becoming acute—and to show, secondly, that, as we have insisted many times in these pages before, the real heart of the problem for the Church in the East European countries concerns education, and the responsibilities of the Church not so much towards this generation as towards the next.

The final document concerns Czechoslovakia and is intended to round off the picture of conditions in that country given in these pages during the last three months.

MEMORANDUM OF THE POLISH BISHOPS TO THEIR CLERGY¹

“ALTHOUGH at meetings of the Deans, at conferences of priests and on many other occasions the Polish Bishops have explained to their clergy the principles guiding the Agreement of 14 April, 1950, nevertheless it may be of great importance for harmonious work and for the mutual benefit to stress again at least some of the decisions taken.

“The Episcopate, acknowledging a respect for law and for the authority of the State, desire to direct all the efforts of the clergy towards the most positive religious, moral and charitable work, in accordance with the needs of a Catholic nation.

“1. Thanks to the principles of Catholic morals, the Polish clergy, in their educational activities, form Christian virtues in the minds of the children and of the younger generation—virtues which play a decisive role in the mutual relationship and the co-operation of all classes and professions among the Polish people.

“The teaching of the Church on human labour inculcates in the people a profound respect for the working man, makes it obligatory to work in order to achieve the full development of the human personality, and emphasizes the social obligation of work. A Christian sees both a duty and a virtue in conscientious labour.

“A Catholic, brought up in this way, feels a strong urge to use his strength and abilities not only for his own good but for that of the community. No wonder, therefore, that the Catholic community has so readily participated in the effective work of rebuilding Poland after the devastations inflicted by the war. Thanks to this fact, the fruits of the labour of the whole nation can be such as we can admire today.

“The magnitude of the devastation of the war, however, is so immense that we shall have to work through many more years to remove the traces of hatred and of terror.

“While rebuilding villages and towns, moreover, we must not overlook the constantly growing needs of the developing life of society, and its demands. We must not only rebuild and construct; we must also transform, in order to secure the prosperity of all classes.

“The greater, therefore, is our duty to educate the nation in the spirit of sacrifice, in self-denial, in an increasing will to work, and in an ability so to regulate our endeavours that a maximum of goodwill and strength can be devoted to the common task in the reconstruction of the country.

“We do not cease to impress upon our clergy, as we have so often done in the past, that they should respect the fruits of that work, and that they should not slacken in their educational work, through which they enable people to practice all the social virtues that are indispensable in the great work of reconstruction.

¹ Text from *Tygodnik Powszechny*, 13 May, 1951.

CHURCH AND STATE ABROAD

"2. With reference to Articles VII and VIII of the Agreement, the Bishops once again appeal to the clergy that, in the execution of their priestly duties, they should stand firmly on the ground of Catholic teaching on co-operation between Church and State.

"We have always admonished the clergy that they should confine themselves strictly to their priestly work. It is by this very work that we render the greater service both to the faithful whom we guide towards God and to the temporal life which, owing to the labours of the Church, receives citizens who are capable of conscientiously fulfilling their duties towards their families, towards their professions, towards their nation and towards their country.

"Keeping far removed from political strife, we must, by virtue of this, be ready to serve all citizens, without regard to their political affiliations.

"The bitter experiences of the last war show clearly that priests render the greatest service to their country when they unite the people in the truth of Christ, and not when they fight with arms.

"Priests will therefore remain aloof from all political activities, will avoid becoming embroiled in party controversies, will be careful not to pass judgement on people on account of their political views, and will not make the rendering of their priestly service depend upon whether somebody belongs to this or that political school of thought. It is not for us to classify people according to political programmes. It is for us, however, to voice the truth of God and to assist people on their way towards God.

"Priests will also keep far apart from any action which would, by whatever means, be directed against the State and the political authorities; or against the social and economic arrangements. No one has made us the allocators of temporal goods.

"The clergy will keep apart from any conspiracies against the State, and will not take part in any conspiracy, and will avoid secret organizations, no matter what their aims may be (Canons 2335 and 2336). The law of the Church rigorously forbids, under the sanction of canonical penalties, membership of secret organizations which have revolutionary activities as their purpose. Although it may be superfluous, we remind the clergy about these prohibitions of Canon Law, and, for the sake of the welfare of the Church and of the country, urge that they should not be associated with them.¹

*"The Secretary to the Hierarchy,
"MR. ZYGMUNT CHOROMANSKI."*

STEFAN WYSZYNSKI, ARCHBISHOP OF GNIEZNO AND WARSAW,
PRIMATE OF POLAND, TO CATHOLIC PARENTS IN HIS ARCHDIOCESES,
CONCERNING THE CATHOLIC UPRISING OF YOUTH

Instruction.—This letter should be read from the pulpit on Sunday, 12 November, 1950, at High Mass or at a Mass which many parents attend. The letter should be read without omissions or comment.

CATHOLIC parents, beloved in the Lord. The great changes which are taking place in the post-war world are linked to a feverish search for new methods in the upbringing of the new generation. They go so far that they wish to make a violent break with the entire past, and particularly with family and religious upbringing. There are voices which no longer believe the words of Christ's gospel, and await a new revelation. In the general confusion of undefined desires and aims, our children and youth are growing up seriously affected by all the misfortunes of changing times. In this situation, Catholic parents cannot lose sight of their great responsibility before God and conscience for the upbringing of their children.

¹ This final sentence does not make sense in Polish, and it seems that some vital part of it has been omitted, or removed by the censor.

CHURCH AND STATE ABROAD

With great anxiety we think of the general disorder in which parents and teachers lose sight of their duties toward the children. Sometimes they place the children's souls, entrusted to them, and their immediate material benefit, on the same level of importance. We are filled with fear at the thought of the severe divine punishment awaiting those whom the Teacher of truth, Jesus Christ, warned so strongly: "It were better for him (i.e. the offender of a child) that a millstone be hanged around his neck and that he be drowned in the depths of the sea" (Matt. xviii, 6). "Woe unto him by whom offences come" (Matt. xviii, 7). That is the living truth from Christ, who was so gentle. His words are not fleeting. Consequently, it is necessary to remind you, Catholic parents, in a few words, of the Church's principles concerning the upbringing of the young generation. We do not wish to lay ourselves open by silence to the accusation of forbearance or cowardice.

We shall speak to you about the rights of the child, of the family, of the Church, of the school, and of the State, in the upbringing.

1. *The child's rights to a complete upbringing* are assured by man's nature. Consisting of a body and an intelligent and immortal soul, man is destined by God to earthly and heavenly purposes, simultaneously temporal and final. On earth he is to achieve the excellence of temporal life and, by fulfilling all his duties, he is to achieve unity with God.

The earthly and temporal objective of man is expressed in the order by the Father Creator: "Grow and multiply, fill the earth and make it subordinate to you" (Genesis i, 28). Man has been placed upon the earth, is obliged to live on it, has been ordered to cultivate, fructify and civilize it. This is an obligation so important that its neglect causes harm to man, to the human community and to the glory of God.

But the excellence of temporal life does not exhaust all human possibilities. Even though the works of civilization are made extremely strong, they finally turn into dust and ashes while man, the creator of prosperity and progress, still unsatisfied, continues to thirst. Because man is not the work of creation, but its king. For man has not been created to be a picture and resemblance of matter, but a picture and resemblance of God. For man, created by God, is dependent upon God for all his gifts of body and spirit; his mind, his will, his heart. For: "We have received the spirit for the children, through whom we call: Father! This spirit proves through our spirit that we are children of God" (Romans viii, 15, 16).

A child of God has the right to an upbringing which will prepare it for its temporal duties and for friendly unity with the Heavenly Father. Consequently, this upbringing is universal: it is physical and spiritual, family and national, mental, moral and religious, personal, social and economic. And this right is so great that no one has the right to abolish or restrict it.

It is the aim of wise upbringing to concentrate all forces around the most wonderful task on earth: The forming of a child's personality.

2. *Parents in the work of upbringing.* In the work of upbringing, the parents have the most unquestionable rights and duties. It is they who gave the child the divine gift of life. Parents are linked to the child by ties of blood, suffering and sacrifice, by the natural feeling of love and attachment, by the supernatural community of one faith, one baptism and one Church of Christ. It is true that parents themselves are not in a position to furnish children with a universal upbringing. But when they utilize the assistance of the schools, they do not lose any of their natural and supernatural educational rights. They may harmonize their rights with other educative forces, but they may not relinquish those rights.

The present opportunities of parents in education are shrinking continually because of changing conditions of existence. This is a highly harmful phenomenon. The aim should be to increase the parents' educational opportunities. A structure of social and economic life in which the family must relinquish upbringing is contrary to natural and divine law, and constitutes a threatening danger to the nation.

CHURCH AND STATE ABROAD

Naturally, in their educational work, parents must call for assistance from the Church and the community.

3. *The rights of the Church.* The rights of the Church, that spiritual mother of her children, come next to the family's rights. It is the Church which has baptized the children of Catholic families, introduced them to the divine community, feeds them the gospel truth and Christ's body, leads them over the earth to the Heavenly Father. The Church cannot be indifferent to the manner of upbringing in the family or in the school; particularly when the community is as Catholic as the Polish nation. It is difficult to accept that such training in school would be of general benefit which violates the rights of baptized children, the rights of Catholic families, the rights of a nation brought up for a thousand years in Catholic culture, and the rights of the Church itself.

While respecting the right to freedom of conscience, the rights of parents, of the nation and of the State, the Church desires for her children freedom in the selection of schools, respect for their feelings and convictions, in school textbooks and in the entire school atmosphere, particularly in the work of youth associations.

The Church demands the teaching of religion in all schools attended by Catholic youth.

The Church demands freedom to select religious teachers through canonical missions, freedom to send her chaplains to the schools, influence upon the preparation of religious programmes and textbooks, freedom for religious practices, and an atmosphere in school which would respect the religious feelings of Catholic youth.

4. *The rights of the school.* More and more is at the present time being said about the school's rights in the upbringing of children. The school is an expression of the need for family and social upbringing. Today its help is essential and highly useful. The family cannot always prepare man for a useful life in the community.

As we assert this, we do not lose sight of the truth that the school is neither the first nor the most important training institution. Consequently, the school cannot have an exclusive right to upbringing.

The school will always remain a mere plenipotentiary and substitute for the parents. For this reason, the school cannot train the children entrusted to it, in a manner which conflicts with the desires and violates the convictions and feelings of parents.

The school may not destroy in children's souls those values which the family has inspired in them. The school may not violate either the natural or the supernatural rights of the child, or religious rights, or parents' rights.

Although the school's achievements are unquestionable, the school does not give life, and without the devotion and sacrifice it would stand empty. Consequently, in its work, the school is dependent upon parents and should primarily take them into consideration.

5. *The right of the State* to bring up youth is also unquestionable.

The State is supposed to lead citizens toward the common weal. Consequently, the State may require all citizens to know their civic and national duties, to possess an appropriate store of intellectual, and moral culture and physical proficiency. All this facilitates achievement and enrichment of the common weal. For this purpose, the State has the right and duty to supervise and care for schools. The State should support parents in their educational efforts. The State should make it possible for parents to establish schools, in harmony with parents' needs.

In carrying out its tasks, the State must respect the rights of parents, the nation and the Church, and should co-ordinate them appropriately. On the other hand, the State authority may not deprive parents of the right to select a school for their children, may not destroy private schools, may not introduce a monopoly on upbringing and teaching. The State cannot prepare teaching programmes which would conflict with Christian conscience, which would be aimed against

CHURCH AND STATE ABROAD

the truths of the Holy Faith. The State may also not deprive children of the right to religious teaching and upbringing in schools. All this would be an injustice and would frustrate the effectiveness of upbringing the complete man.

6. When all the above rights are respected—of the child, of the parents, of the Church, of the school and of the State—and appropriately co-ordinated, it will not be necessary to wait long for the fruitful results of such upbringing.

We are convinced that the upbringing of the young generation in the spirit of these principles will restore to parents that tranquillity so essential to the heavy work of rebuilding the reborn Fatherland.

We are confident that only religious upbringing in schools will give youth those virtues, without which it is not possible to effectively strengthen social justice. Catholic upbringing, based on Christ's Gospel, fills the souls of youth with love for people, as the children of one father, endows them with conscientiousness and responsibility, patient industriousness, a spirit of disciplined co-operation, sacred enthusiasm in overcoming difficulties and numerous other personal and social virtues.

We must confess with all conviction that the absence of these virtues in the young generation may destroy the most audacious plans and the boldest achievements. The spirit of the Gospel brings social tranquillity nearer, the spirit of godlessness transforms the country into a hell.

7. Catholic parents have the unquestionable duty on their consciences to assure religious upbringing for their children. This is the only path for a healthy upbringing in physical and spiritual strength, in friendship with God and with the nation.

Catholic parents, may your hearts be moved by the misfortune of the many children vainly requesting the teaching of religion in so many schools. By insisting on religion in school for your children, you are fulfilling your sacred duty, which does not cease in the face of fear nor in the face of punishment or material loss. It is not a crime to fulfill duties that are required by the laws of nature and of God and by the nation's welfare.

Remember the small children, whom you are entrusting to kindergartens without religion.

You have the right to select those kindergartens in which there is religious upbringing.

It is your duty to demand kindergartens with a religious spirit towards Catholic children.

Should your just efforts and your requests for the return of religion to schools fail to produce the desired result, you have the unquestioned duty in your consciences to transfer your children to schools in which religion is still being taught.

It would be a sin which would call upon Heaven for vengeance if children and youth should be prevented from attending religious lectures.

Should these schools disappear, it will be your sacred duty to assure that religion is taught outside school: in church or at home. You shall endeavour that every family shall become a temple in which the husband or the wife or older brothers or sisters will become teachers of the faith to children and apostles of the Good Word.

No temporal benefits whatsoever could justify you before the just wrath of the supreme Father of your children! "What shall it profit a man if he gain the whole world and lose his own soul?" (Matt. xvi, 26).

Do not sell your blood for a mess of pottage! Beware breaking faith with your most sacred duties! Do not fail the Heavenly Father, who has summoned you to participate in His Fatherhood! The soul of your child will call upon you at the Final Judgement! The fortune you have saved and the position you have retained will be of no help to you there. All that will remain on earth. But the souls of your innocent children will stand before God's throne, a powerful accusation of corrupt parents and wicked teachers.

CHURCH AND STATE ABROAD

Catholic parents! I have fulfilled my sacred pastoral duty towards your consciences. I shall beg Christ, the King of all times, to hasten to your aid in order that you may not lack Christian courage to defend your sacred parental rights. Because: "His authority is eternal and will never be removed and His Kingdom shall not pass" (Daniel vii, 14). Bend your anxious heads under His sacred hand: "The master will bless His people with tranquillity" (Psalms xxviii, 11).

Together with me, you should pray that your souls may be filled with: "The divine Kingdom of truth and life, the Kingdom of light and mercy, the Kingdom of justice, love and peace." (From the preface to the Ceremony of Christ the King.)

May the blessing of the Father of your children, the mercy of God's Son and the love of the Holy Spirit come to you through our hands.

In Gniezno, on the day of the Guardian Angels, the Holy Year of 1950.

(Signed) STEFAN WYSZYŃSKI,
Archbishop of Gniezno and Warsaw; Primate of Poland.

QUESTIONNAIRE OF THE SECRET POLICE OF CZECHOSLOVAKIA¹

I. Personal information about the ecclesiastic.

1. What are his relations with the people? Does he willingly mix with the people, or does he live a retired life? Has he any influence on public opinion? What sort of people does he consort with? Reactionaries or progressives?
2. Is he looking for material security and a quiet life?
3. What are his personal interests (recreations)?
4. Has he any regular contacts with certain persons? With whom? Does he receive many visitors? Does he go often on visits to the same places?
5. Does he work actively among the faithful? Do the faithful frequent the presbytery? Does he work among youth?
6. How does he fulfill his functions as a priest? With zeal? With a genuine interest? Or is he indifferent and negligent?
7. Who lives with him? How do the members of his household behave?
8. Is he frank and open, or is he a hypocrite?

II. Political information about the ecclesiastic.

1. Has he already interested himself sometimes in political questions?
2. Has he been a member of a party or of a popular organization, and is he so still? Is he interested in political literature? Does he collaborate in one way or another with the Communist Party or with other organizations of the National Front? Does he fulfill official functions?
3. How does he behave towards the working-class population and towards the rich?
4. From what background does he come?
5. What is his attitude towards the Soviet Union and towards the West?
6. What is his attitude towards the episcopate? Is he faithful in a fanatical manner to the ecclesiastical authorities, or does he adopt a critical attitude towards them? Does he have difficulties with his superiors?
7. What is his attitude and his position with regard to the Vatican and its policies?

III. The evolution of the political tendencies of the ecclesiastic.

1. What was his political position during the years of the First Republic, from 1918 to 1938?
2. How did he behave during the occupation? Did he quarrel (*sic*) with the Gestapo?
3. What was his political activity between May 1945 and February 1948?²

¹ Dating, from internal evidence, from the latter part of 1949—in other words, from the time of the meeting at Karlsbad described in *THE CLERGY REVIEW* last month. Published by the Swiss *KIPA* agency on 17 February, 1950; French text in *Documentation Catholique*, No. 1088, 11 February, 1951, col. 153.

² February 1948 was the month of the *coup* which gave the Communists exclusive power in Czechoslovakia.

CHURCH AND STATE ABROAD

4. What position did he adopt towards the events of February 1948? How has he spoken of this topic? Did he accept an office and show that he was ready to collaborate with the National Front?
5. What did he say about the elections of May 1948? Did he take part in the campaign in favour of the list of candidates?¹ How did he vote?
6. Has he spoken about the activity of priests against the State, and in what sense? How did he behave during the autumn and winter of 1948?
7. Did he speak about the projected law, in the summer and autumn of 1949, concerning the incorporation of the clergy in the State?²
8. In what sense did he speak in February 1949, about the resumption of relations between the Government and the Bishops?³ How did he behave in 1949, during the campaign of the Bishops against the State?
9. From what point of view has he regarded the birth of the new Catholic Action? Has he signed the declaration of Catholic Action, or has he given his adherence verbally? When and how has he cancelled his adherence to Catholic Action?⁴
10. Has he taken part in the campaign of the Bishops against Catholic Action? If so, how and in what way has he acted against Catholic Action?
11. Did he read the Pastoral Letter on the feast of Corpus Christi 1949 or in the following week?⁵ With or without comment? Or did he not read it at all?
12. What is his opinion of the *Katolicke Noviny*?⁶ Does he recommend this journal, or forbid it?
13. What is his attitude towards the *Vestník Katolickeho Duchovenstva* that is published by the Ministry of Education?⁷
14. What did he say about the circular of the Catholic Bishops at the beginning of June 1949?⁸ What did he say about the birth of Catholic Action? What is his view of the behaviour of the episcopate and of Mgr Beran?
15. How did he receive the decree of excommunication?⁹
16. Has he already been sentenced to prison or to a fine? When and why? To what extent was the sentence carried out?
17. Did he take part in the campaign of signatures begun in the autumn of 1949 by the Vicars General?¹⁰
18. What has he said about the settlement of salaries before and since the discussion of this question in the National Assembly? Has he given his oral or written consent to it? Did he take part in the corresponding sessions of the National Assembly?
19. In the event of his having been punished with imprisonment or with a fine, did he seek to benefit by the amnesty at the end of October 1949?
20. How did he react in receiving, on 1 November, the first instalment of his salary?
21. Did he sign the message of greeting sent to Generalissimo Stalin, and what was his behaviour at the time when these were collected?
22. What has he said about the Budget drawn up for the Church?

¹ There was only one list of candidates.

² The Church Laws put into effect on 1 November, 1949. Their text was published on 15 July, 1949.

³ Cf. "Church and State Abroad" in *THE CLERGY REVIEW*, January 1950, *et seq.*

⁴ The regime's bogus Catholic Action, *bien entendu*, the adherents of which were excommunicated by decree of the Holy Office on 20 June, 1949. It had had its first meeting in Prague on 10 June.

⁵ Cf. *THE CLERGY REVIEW*, April 1950, p. v.

⁶ *Catholic News*, the bogus Catholic newspaper, published by the regime for the deception of the faithful.

⁷ *Gazette of the Catholic Clergy*, the bulletin, masquerading as an official organ of the Hierarchy, in which the State Office for Church Affairs gives its directives.

⁸ The letter *ad cleros* dated 28 May, 1949; text in *The Tablet* of 2 July, 1949. This letter told the clergy that the Government's determination to educate all children in the spirit of Marx-Leninism made it useless to continue the negotiations referred to in Question 8, above.

⁹ The decree of the Holy Office excommunicating all Communists.

¹⁰ In support of the documents printed in *THE CLERGY REVIEW* for March 1950, p. ix, and April 1950, p. xviii.

How
ready

the

what

1949.

rela-

1949.

holic

his

holic

ion?

or in

this

at is

ning

s his

? To

n of

dis-

titten

onal

fine,

f his

what

1949.

icated

ne.

of the

hy, in

d the

inism

April